687

SUPREME COURT OF THE UNITED STATES.

No. 218.

THE BRIG LILLA AND CARGO, R. G. BUSHBY, CLAIMANT OF THE VESSEL, AND FRAZIER, TRENHOLM & CO., ET AL., CLAIMANTS OF THE CARGO, APPELLANTS,

VS.

THE UNITED STATES.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF MASSACHUSETTS.

GOVERNMENT PRINTING OFFICE.

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5 **UNITED STATES OF AMERICA,**
Massachusetts District, ss:

At a circuit court of the United States for the first circuit, begun and holden at Boston, within and for the district of Massachusetts, on Thursday, the fifteenth day of October, in the year of our Lord one thousand eight hundred and sixty-three, before the honorable Nathan Clifford, associate justice.

THE UNITED STATES, in cause of prize, libellants,
against
THE BRIG LILLA AND CARGO, R. G. BUSHBY, claimant of said brig, and JOHN R. ARMSTRONG, in behalf of Frazier, Trenholm & Co., claimants of part of cargo, appellants.

The transcript of the record of the district court is as follows, viz:

UNITED STATES OF AMERICA,
Massachusetts District, ss:

At the district court of the United States, begun and holden at Boston, within and for the district of Massachusetts, on the second Tuesday (being the ninth day) of September, in the year of our Lord one thousand eight hundred and sixty-two before the honorable Peleg Sprague, judge.

THE UNITED STATES OF AMERICA, by libel,
vs.
THE BRIG "LILLA" AND CARGO.

This libel was filed in the clerk's office on the fourteenth day of July, A. D. 1862, and is as follows, videlicet:

UNITED STATES OF AMERICA,
District of Massachusetts, ss:

In the matter of the brig Lilla and her cargo. In a cause of prize.

Before the honorable Peleg Sprague, judge of the district court of the United States for the district of Massachusetts.

On this fourteenth day of July, in the year of our Lord one thousand eight hundred and sixty-two, appears Richard H. Dana, junior, esquire, attorney for the United States for said district, in behalf of the United States of America, and in behalf of James Madison Frailey, commander of the United States public armed steamship Quaker City, and of her officers and crew, and shows to this honorable court as follows:

6 First. That the brig Lilla and her cargo have been captured within the admiralty and maritime jurisdiction of this honorable court by the commander, officers, and crew of the United States public armed steamship Quaker City, and are a lawful prize to the United States of America, and to the captors foresaid.

Second. That the said brig and her cargo were brought into this district, after their capture aforesaid, and are now lying in the port of Boston and Charlestown, in said district.

Wherefore the libellant prays this honorable court to condemn the said brig "Lilla" and her tackle, apparel, and furniture, and her cargo, as lawful prize to the United States and to the captors aforesaid, and such other relief to give as to the court shall seem meet; and to this end, that due process be issued, and proofs be taken, and due proceedings be had, according to the course of courts of admiralty in causes of prize.

RICH. H. DANA, Jr.,
U. S. Attorney.

Warrant and monition.

Thereupon, on said fourteenth day of July, A. D. 1862, by order of the judge, a warrant and monition issued, commanding the marshal to give notice to all persons concerned that the foregoing libel had been filed, and that trial would be had thereon at a special district court to be holden at the United States court-house in Boston, in said district of Massachusetts, on Tuesday, the fifth day of August next coming, at ten o'clock a. m.; and to give said notice by advertising the same in the Boston Courier and the Boston Daily Advertiser, two of the public newspapers printed at Boston, and by posting a copy of the same notice at the said court-house in Boston, and also in a public place on board said schooner, twenty days at least before said day of trial. And to take the said brig "Lilla," her tackle, apparel, and furniture and cargo, into his custody, and to make due return of his doings.

On which the marshal made return, as follows, viz:

7 U. S. OF AMERICA, *Mass. Dist., ss:*

BOSTON, *July* 15, 1862.

Pursuant hereunto I have given notice to all persons concerned, that the libel within named has been filed, and that trial will be had thereon on the fifth day of August next, by publishing the substance of the within monition in the Boston Courier and in the Boston Daily Advertiser, two newspapers printed in Boston, in said district, and by posting up copies of the same notice in the U. S. court-house, in said Boston, and also in a public place on board the brig named, to wit, on the mainmast of said brig, twenty days at least before the day within named for trial, and on the 14th day of said July I took the brig Lilla, her tackle, apparel, and furniture, and her cargo, into my custody on this warrant.

JOHN S. KEYES, *U. S. Marshal.*

Stipulation for costs and expenses.

On the thirtieth day of July, A. D. 1862, personally appeared Barak Maxwell, of Wells, in the district of Maine, part owner of the said brig "Lilla," and claimant thereof, and produced for sureties Andrew G. Briggs, of Boston, and Henry Guild, of Roxbury.

And the said Maxwell, Briggs, and Guild, submitting themselves to the jurisdiction of this court, bound themselves, their heirs, executors, and administrators, jointly and severally, in the sum of two hundred dollars, unto the said libellants, that the said Maxwell should pay all costs and expenses which should be awarded against him in this suit, upon the final adjudication thereof, or by any interlocutory order, whether it were in this or any appellate court.

8 *Claim for vessel by Barak Maxwell.*

July 30, 1862. Filed in clerk's office.

To the honorable Peleg Sprague, judge of the district court of the United States for the district of Massachusetts:

Barak Maxwell, of Wells, in the State of Maine, part owner of the brig now called the Lilla, intervening for his interest and that of Richard C. Bartlett, master mariner, and the Mercantile Marine Insurance Company, in whose behalf and by whose authority he appears, as well as in his own, in the said brig Lilla, her tackle, apparel, and furniture, appears before this honorable court and claims the said brig, her tackle, apparel, and furniture, and states that he and they are the true and lawful owners thereof, and that no other person is the owner thereof.

Thereupon he prays that this honorable court will be pleased to decree a restitution of the same to him, and otherwise right and justice to administer in the premises.

BARAK MAXWELL.

F. C. LORING, *Proctor*.

UNITED STATES OF AMERICA,
Mass. District, July 30, 1862.

Sworn to by said Maxwell before me.

ELISHA BASSETT,
Clerk Dist. Court pro tem.

Test affidavit of Barak Maxwell, claimant of vessel.

July 30, 1862, filed in clerk's office.

I, Barak Maxwell, of Wells, in the State of Maine, merchant, declare that on or about the first day of October last I was the lawful owner of seven eighth parts of the brigantine called the Betsey Ames, and that Richard C.
9 Bartlett, master, owned the other eighth part. That said vessel, about that
time, sailed from the port of New York, with a lawful cargo, bound for the island of Cuba. That about the twelfth of October said vessel was captured by a vessel called the Sally, acting under the authority of the so-called Confederate States, and carried into Charleston, in the State of South Carolina. That afterwards the name thereof was changed to Mary Wright, and she sailed thence in March or April last for Liverpool, in England. That after arrival there her name was again changed to Lilla, and she afterwards sailed thence on a voyage, during which she was captured by the U. S. steamer Quaker City. That at some time her rig was changed to that of a brig. That this declarant insured three fifth parts of said vessel with the Mercantile Marine Insurance Company of New York, and on hearing of said original capture he abandoned to said company, and received payment as for a total loss, whereby said company became subrogated to his right and interest in the premises pro tanto.

That the said Bartlett is absent out of this State, and, as this declarant believes, is at sea, and that this declarant is accustomed to act as his agent for his interest in said vessel during his absence, and is also fully authorized to act in behalf of the said foreign corporation.

That this declarant and the said Bartlett and said corporation are the true and lawful owners of the said vessel called the Lilla, and libelled as such in this honorable court as prize in behalf of the U. S. government and the officers and crew of the said Quaker City. That they have never sold their interest in any part thereof except as aforesaid, and that said vessel ought to be delivered up to them.

This declarant further alleges that the said original capture was felonious and piratical; that the captors acquired no rights thereby, and that no person claiming under them has any legal title or ownership in or to the said vessel or any part thereof.

I further declare that I and the said Bartlett are citizens of the State of Maine, and of the United States of America, and entitled to the care and protection thereof, and that the said insurance company is a corporation duly established by law in the city of New York.

BARAK MAXWELL.

F. C. LORING, *Proctor.*

10 U. S. OF AMERICA,
Massachusetts District, July 30, 1862.

Sworn to by said Maxwell before me.

ELISHA BASSETT,
Clerk District Court pro tem.

Report of prize commissioners, recommending sale of saltpetre.

Aug. 1, 1862, filed in clerk's office.

UNITED STATES OF AMERICA,
Dist. Court of U. S., District of Massachusetts :

The brig "Lilla's" cargo.

To the honorable Peleg Sprague, judge of said court :

The undersigned, prize commissioners, respectfully report to the court that the cargo of said schooner, now in the custody of the marshal, consists in part of 1,336 bags saltpetre, 80 bbls. do. That in our opinion the said saltpetre is likely to depreciate in market price. The present price of saltpetre is quite as high as the demand will warrant, and it is the opinion of those conversant with the trade that the large quantities now on the way from Calcutta will very soon cause a decline in prices in this market, and for this reason an early sale would probably be for the advantage of all persons interested in said saltpetre; and we recommend a sale, if within the intent of the law, in tnat behalf.

We do not find that the said saltpetre is likely to perish or deteriorate in quality.

ERASTUS SAMPSON,
ARTHUR DEXTER,
JOHN LOWELL,
Prize Commissioners.

BOSTON, *August 1st,* 1862.

11 *Agreement to sell saltpetre.*

DISTRICT COURT OF THE UNITED STATES,
Massachusetts District :

In the matter of the brig Lilla and cargo, in a cause of prize.

It is agreed by the parties in said cause that the saltpetre, part of the cargo of said brig, may be sold by the marshal, first giving ten days' notice of the time and place of said sale in the usual form, and that a warrant for such sale may be issued from the said court accordingly.

CHARLES APPELBEE, *Claimant.*
R. H. DANA, JR., *for U. States and Captors.*
C. G. THOMAS, *Proctor for claimant, Chas. Appelbee.*

Warrant for sale of a part of cargo of brig Lilla.

On the first day of August, A. D. 1862, by agreement of parties, and by order of the judge, a warrant issued commanding the marshal to sell to the highest bidder, at public auction, in Boston, within said district, on Friday, the fifteenth day of August current, at twelve o'clock noon, the said saltpetre, (being 1,336 bags and 80 barrels of saltpetre, or thereabouts,) first giving ten days' notice, at least, of the time and place of sale, by advertising the same in the Daily Advertiser, Post, and Courier, three of the newspapers printed at Boston, and in the Journal of Commerce, Evening Post, and Commercial Advertiser, three newspapers printed at New York, and by proclamation of the town crier, in the usual form, on the day of sale; the money arising from the sale to be disposed of as the law in this case directs. And to make due return of his doings.

And the marshal made return thereon, as follows, viz:

12 UNITED STATES OF AMERICA,
District of Massachusetts, Boston, August 15, 1862.

Pursuant to this precept, I have caused the merchandise within named to be sold by public auction, and to the highest bidder, at Boston, on the day, hour, and place therein directed, having given ten days' previous notice of the time, place, and manner of the sale, in the Daily Advertiser, Post, and Courier, three of the newspapers printed in Boston, and by the town crier, on the day of sale; and at such sale the purchasers were as under:

1,333 bags saltpetre, R. Williams & Son, 252,273 lbs., at 13 cts.,	$32,795	49
80 barrels saltpetre, R. Williams & Son, 22,097 lbs., at 13 cts.,	2,872	61
	35,668	10

The gross proceeds of said sale I have deposited with the assistant treasurer of the U. S., Boston.

J. S. KEYES, *U. S. Marshal.*

Stipulation for costs and expenses by Charles Appelbee, master.

On the second day of August, A. D. 1862, personally appeared Charles Appelbee, of Liverpool, England, master and claimant of said brig and of her cargo, and produced for sureties David Grady and James Connor, both of Boston, in said district.

And the said Appelbee, Grady, and Connor, submitting themselves to the jurisdiction of this court, bound themselves, their heirs, executors, and administrators, jointly and severally, in the sum of two hundred dollars, unto the said United States, that the said Appelbee should pay all costs and expenses which should be awarded against him in this suit, upon the final adjudication thereof, or by any interlocutory order, whether it were in this or any appellate court.

13 *Claim of Charles Appelbee.*

August 2d, 1862, filed in the clerk's office.

UNITED STATES DISTRICT COURT,
District of Massachusetts, ss:

THE UNITED STATES
v. } In prize.
BRIG LILLA AND CARGO, CHARLES APPELBEE, master.

And now before this honorable court comes Charles Appelbee, a British subject, resident in Liverpool, England, master in command of the brig Lilla, a British merchant brig, duly registered as such, and wholly owned, as also her cargo, as he is informed and believes, by British subjects, all now residing and being in England, except a passenger, the owner of thirty-seven packages of medicines on board, all the rest of said cargo, as also the said brig, being owned, as he is informed and believes, the brig by a Mr. Bushby, and the cargo by

Messrs. Bushby & Co., of said Liverpool, and as master, intrusted therewith, intervening for the interests of said owners of said brig and cargo, claims the same, and says that the parties aforesaid are the true and bona fide owners of said brig and cargo, and denies that the same are lawful prize. And thereupon the said claimant prays that this honorable court will be pleased to decree restitution of the same to said claimant, and his costs and damages, and otherwise right and justice to administer in the premises.

CHARLES APPELBEE.

C. G. THOMAS, *Proctor*.

UNITED STATES OF AMERICA,
Mass. District, July 30, 1862.

Sworn to by said Appelbee before me.

ELISHA BASSETT,
Clerk pro tem.

14 *Test affidavit.*

AUGUST 5, 1862.

UNITED STATES OF AMERICA,
United States District Court, District of Massachusetts, ss:

UNITED STATES
v.
BRIG LILLA AND CARGO, CHARLES APPELBEE, claimant. } In prize.

Said claimant, saving all exceptions to each and every allegation, item, and particular of said libel, also saving all exceptions to the jurisdiction of the court, saith that said brig is a British merchant vessel, and duly registered as such, according to the laws of Great Britain, belonging to the port of Liverpool, and is owned, as he is informed and believes, by George Bushby, a British subject, who is a resident, and domiciled at said Liverpool.

That said cargo (the invoice of which, and all other papers, are in possession of the court) was put on board said brig at said Liverpool, in England, and then was, and still is, (as he is informed and believes,) owned by Messrs. Bushby & Co., of said Liverpool; except thirty-seven packages of medicines, owned by D. B. Hewetson, a passenger on board. That all the members of said firm, Bushby & Co., as he is informed and believes, are British subjects, and reside and are domiciled at said Liverpool, and said Hewetson is also a British subject. That the whole of said cargo is, as he is informed and believes, of the growth and production of the British dominions; and said cargo was shipped to be taken from said Liverpool to Nassau, in New Providence, one of the British Bahama islands; and your affiant had no knowledge of any other destination for said cargo. That your affiant is also a British subject, residing and having his domicile at Liverpool, aforesaid, and was appointed master of said brig for her destined voyage from Liverpool to Nassau, and thence back to England; and said brig was duly cleared at said Liverpool, for said voyage, on or about the fourteenth day of May last past, A. D. 1862, and on the sixteenth day of said May she sailed from Liverpool on her said destined voyage.

15 That your affiant was appointed master of said brig, at Liverpool, a few days before sailing on said voyage, and that he never saw said brig before he joined her as master. That after clearing said brig, he proceeded on said destined voyage, direct for Nassau, and proceeded thereon uninterrupted, having no knowledge or intention of going to any other port than the port of Nassau, which was a lawful voyage to be pursued by a British subject under a British flag, and safely arrived at Abaco, one of the British Bahama islands, on the third day of July last past; and while approaching said Abaco, at a dis-

tance of about four miles therefrom, in the direct and usual course to Nassau, the light on southern extremity of Abaco aforesaid, bearing west half north, and distant about four miles, your affiant was boarded by a person from a boat's crew alongside, which came from a steamer, from which steamer a gun had just been fired for your affiant to heave to, as he supposed, and he accordingly had hove to. The person so boarding demanded of your affiant his papers, and also demanded that your affiant go aboard said steamer, the Quaker City. But your affiant, deeming it his duty to continue in charge of his vessel and property intrusted to him, refused so to do, but nevertheless delivered up his papers to him for examination, which he examined, and handed back to your affiant; and thereupon he, the person so boarding, went to said steamer, and returned on board said brig with an armed boat and an officer who ordered your affiant into his boat alongside, he then standing on the deck of said brig with a number of armed mariners; that your affiant then took a pistol and held it down, pointing down by his side, and said that he would shoot the first man that touched him, and thereupon the officer drew his revolver, and ordered his men to shoot your affiant, and the men accordingly pointed their guns at your affiant, and he walked aft, and one of the men followed him, with his gun raised at your affiant, and your affiant thereupon turned and went with the men into the boat, and went aboard the steamer, as he was compelled to do; and your affiant was detained aboard said steamer for about four hours, and was there examined, and was there compelled to send an order to his mate to send on board said steamer all his papers from said brig; that after the expiration of about four hours
16 your affiant was sent back on board his vessel, from which brig five of the crew and the mate were taken off and put on board said steamer, and the remainder, to wit, two men sick of the crew, and also a boatswain and one man and a cook and a boy were allowed to remain in said brig; also two passengers and your affiant were allowed to remain on board said brig, and a prize crew consisting of eight men and two officers and two marines, were put on board in possession of said brig, as a prize, and she was thence brought to Boston, where she arrived on Sunday, the 13th day of July last past. That your affiant was imprisoned on board all the way from the time of said examination till the arrival of said brig in Boston, and confined in a small state-room, six feet long and four feet wide, all which was occupied by a berth except a space about two feet wide and three feet long, for your affiant to live in, and the only access for air and light was through a side light of the cabin, about ten inches wide and twelve inches long, your affiant being kept locked therein and the door guarded. That your affiant was subjected to great suffering from said confinement, from intensity of heat and want of exercise.

And your affiant denies that he or his vessel ever made any attempt to run, evade, or break any blockade, or in any way violate or infringe upon any belligerent right of United States, or upon any blockade; and further upon his oath he saith that he never had any knowledge or belief that any such breach or violation of any blockade, or of any belligerent right of United States, was ever intended by any person having anything to do with said vessel and cargo.

Whereof your affiant prays for right and justice, and for the restoration to him of said brig and cargo, and for his damages and costs, and for such other relief as he may be entitled to receive from this honorable court.

CHARLES APPELBEE.

C. G. THOMAS, *Proctor for said claimant, Appelbee.*

U. S. DISTRICT COURT,
Mass. District, Boston, August 5, 1862.

Sworn to by the said Charles Appelbee, before me.

Attest:

ELISHA BASSETT, *Clerk pro tem.*

17 *Affidavit of president of Mercantile Mutual Insurance Company.*

August 6, 1862, filed in the clerk's office.

I, Ellwood Walter, president of the Mercantile Mutual Insurance Company of the city of New York, on oath declare, that the said company is a corporation established by law in the city of New York, by the State of New York, and that I am the duly appointed president thereof; that on or about the first day of October, in the year eighteen hundred and sixty-one, Barak Maxwell, of Wells, in the State of Maine, merchant, caused insurance to be effected in his behalf by said corporation upon a certain vessel or brigantine, then called the Betsey Ames, in the sum of six thousand dollars, by a policy of insurance, a copy of which is hereto annexed; that afterwards said vessel sailed from said New York on a lawful voyage to the island of Cuba; that while prosecuting the same, as this declarant has been informed and believes, the said vessel was piratically and feloniously captured by a certain vessel or privateer, pretending to act under the authority of the so-called Confederate States; was carried into Charleston, in the State of South Carolina; was afterwards sent to Liverpool, in the kingdom of England, under the name of "Mary Wright;" that at Liverpool her name was again changed to "Lilla;" that at some time her rig was changed to that of a brig; that she sailed from Liverpool on another voyage, and while prosecuting the same, was captured by the United States steamer "Quaker City," and brought into the port of Boston, where she now lies, and has been libelled as prize of war; that, upon receiving information of the capture of said vessel by the said privateer, the said Maxwell abandoned to the said corporation his interest therein, so far as the same was insured by the said corporation, a copy of which abandonment is hereto annexed; that said corporation accepted the same and paid the said Wells as for a total loss, and thereby became the owner of so much of said vessel as was so insured, and subrogated to all the rights of the said Maxwell therein; that the said piratical and felonious capture or seizure, and such proceedings, if any, as were had thereunder, 18 were wholly ineffectual to divest the title and ownership of the said Maxwell and this corporation in and to the said vessel, and that they are the true and lawful owners thereof—the said Wells of so much thereof as he previously owned and did not insure as aforesaid, and the said corporation of so much thereof as was insured as aforesaid, and that they are legally entitled to claim restitution thereof, and have caused proceedings to be taken to maintain their rights in the suit and court aforesaid.

ELLWOOD WALTER.

{ SEAL OF
MERCANTILE
MUTUAL INS. CO.,
N. Y. }

CITY AND COUNTY OF NEW YORK,
Southern District of New York:

On this 4th day of July, 1862, personally appeared before me Ellwood Walter, who being by me duly sworn, did depose and say that he had read the foregoing affidavit, by him subscribed; that he knew the contents thereof, and that the same were true of his own knowledge, except those matters therein stated on information and belief, and that as to those matters he believes the same to be true.

CHAS. W. NEWTON,
United States Commissioner for the Southern District of New York.

{ Commissioner's
seal. }

19 *Copy of the policy of insurance annexed to the affidavit of Ellwood Walter.*

[Warranted by the assured free from any loss or expense arising from, or in consequence of, capture, seizure, or detention, or any attempt thereat, by any nation, state, people, or persons whatsoever.

Warranted by the assured not to carry Coolie passengers. Also, warranted not to load more than her registered tonnage of grain, in bulk or bags, (either or both,) lead, marble, coal, salt, iron, copper, copper ore, or guano.]

(VESSEL.)

By the Mercantile Mutual Insurance Company. No. 8960.

B. Maxwell on account of whom it may concern.

In case of loss to be paid to him.

Do make insurance and cause to be insured, lost or not lost, at and from New York to Cardenas and at and thence back to New York or to a port in Europe.

To cover war risk only, the marine risk being already covered by other insurance.

Should the vessel be missing and no person saved to prove the loss, no claim is to be made under this policy; upon the body, tackle, apparel, and other furniture, the good brig called the Betsey Ames, whereof is master for this present voyage, or whoever else shall go for master in the said vessel, or by whatever other name or names the said vessel, or the master thereof, is or shall be named or called.

Beginning the adventure upon the said vessel, tackle, apparel, &c., at and from aforesaid, and so shall continue and endure until the said vessel be safely arrived at aforesaid, and until she be moored twenty and four hours in good safety. And it shall and may be lawful for the said vessel, in her voyage, to proceed and sail to, touch and stay at any ports or places, if thereunto obliged by stress of weather or other unavoidable accident, with prejudice to this insurance.

The said vessel, tackle, &c., hereby insured, are valued at without any further account to be given by the assured to the assurers, or any of them, for the same, touching the adventures and perils which the said Mercantile Mutual Insurance Company is contented to bear, and takes upon itself, in this voyage, (unless specially excepted on the margin of this policy;) they are of the seas, men-of-war, fires, enemies, pirates, rovers, thieves, jettisons, letters of
mart and countermart, surprisals, takings at sea, arrests, restraints, and
20 detainments of all kings, princes, or people, of what nation, condition or
quality soever, barratry of the master and mariners, and all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment, or damage of the said vessel, or any part thereof. And in case of any loss or misfortune, it shall be lawful and necessary to and for the assured, factors, servants, and assigns, to sue, labor, and travel for, in and habout te defence, safeguard, and recovery of the said vessel, or any part thereof, without prejudice to this insurance; to the charges whereof the said insurance company will contribute according to the rate and quantity of the sum herein insured; nor shall the acts of the insured or insurers in recovering, saving, and preserving the property insured, in case of disaster, be considered a waiver or an acceptance of an abandonment; having been paid the consideration for this insurance, by the assured, or assigns, at and after the rate of three per cent.

And in case of loss, such loss to be paid in thirty days after proof of loss, and proof of interest in the said (the amount of the note given for the premium, if unpaid, being first deducted,) but no partial loss or particular average shall in any case be paid, unless amounting to five per cent. In case of claim for loss or damage, a deduction of one-third from the cost of

repairing or replacing the same shall be made after deducting the value of the old materials, except in the case of anchors, and of sheathing of copper or other metal; a deduction of one-fortieth from the expense of repairing or replacing the metal sheathing, or any part thereof, (after first deducting the value of the old metal and nails,) shall be made for every month since the vessel was last sheathed, until the expiration of forty months, after which time the cost of re-metalling, or repairing the same, shall be wholly borne by the assured. If a technical total loss be claimed, similar deductions shall be made from the estimated repairs, and unless the net cost thereof would exceed a moiety of the value of the vessel after making such deductions, the loss shall be deemed
21 partial only: Provided always, and it is hereby further agreed, that if the said assured shall have made any other assurance upon the premises aforesaid, prior in date to this policy, then the said Mercantile Mutual Insurance Co. shall be answerable only for so much as the amount of such prior assurance may be deficient towards fully covering the premises hereby assured; and the said Mercantile Mutual Insurance Co. shall return the premium upon so much of the sum by them assured as they shall be by such prior assurance exonerated from. And in case of any insurance upon the said premises subsequent in date to this policy, the said Mercantile Mutual Insurance Company shall nevertheless be answerable for the full extent of the sum by them subscribed hereto, without right to claim contribution from such subsequent assurers, and shall accordingly be entitled to retain the premium by them received, in the same manner as if no such subsequent assurance had been made. It is also agreed that the property be warranted by the assured free from any charge, damage, or loss, which may arise in consequence of a seizure or detention, for or on account of any illicit or prohibited trade, or any trade in articles contraband of war. And it is further agreed, that in case a total loss shall be claimed for or on account of any damage or charge to the said vessel, the only basis of ascertaining her value shall be her valuation in this policy; and if not valued herein, then her actual value at the time of the inception of this risk at the port to which she belonged. And lastly, it is agreed, that if the above vessel, upon a regular survey, should thereby be declared unseaworthy, by reason of her being unsound or rotten, or incapable of prosecuting her voyage on account of her being unsound or rotten, then the assurers shall not be bound to pay their subscription on this policy.

Warranted not to abandon in case of capture, seizure, or detention, until after condemnation of the property insured, nor until ninety days after notice of said condemnation is given to the company. Also warranted not to abandon in case of blockade, and free from any expense in consequence of capture, seizure, detention, or blockade; but in the event of blockade, to be at liberty to proceed to an open port, and there end the voyage.

In witness whereof the president or vice-president of the said Mercantile Mutual Insurance Company hath hereunto subscribed his name, and the
22 sum insured, and caused the same to be attested by their secretary in New York, the first day of October, one thousand eight hundred and sixty-one.

If the voyage aforesaid shall have been begun, and shall have terminated before the date of this policy, then there shall be no return of premium on account of such termination of the voyage.

In all cases of return of premium, in whole or in part, one-half per cent. upon the sum insured is to be retained by the assurers.

$6,000. Six Thousand Dollars.

[Signed] CHAS. NEWCOMB, *Vice-President.*
(Signed) C. J. DESPARD, *Secretary.*

Copy annexed.

C. W. NEWTON, *U. S. Com'r.*

On the back of the foregoing policy, vids:

Pay six thousand dollars total loss under within policy, and cancel, Dec. 12th, 1861.

Pay thirteen hundred and eighty-six $\frac{39}{100}$ dollars of the above amount to Mess. H. D. Brookman & Co., the said sum being due by me to them for disbursements on the within vessel.

$1,386 39, Dec. 12th, 1861.
(Signed) B. MAXWELL.

Paid Dec. 12, '61.
Blotter G, folio 87.
Dec. 12, '61. Blotter G, folio 87.
(Signed) C. J. D., *Sec'y.* (S'g'd) C. J. D., *Sec'y*

[Duplicate.]

Oct. 1st, 1861.

Mercantile Mutual Insurance Company.

B. Maxwell.

N. York to Cardenas, &c., &c.

Vessel.

Brig "Betsey Ames."

$6,000 *a* 3 per cent., $180.

Policy, 1.25.
$181 25

rd E. Folio 8,960.

23 *Copy of abandonment annexed to the foregoing affidavit of Ellwood Walter, and referred to in his affidavit, vids:*

For and in consideration of the sum of six thousand and $\frac{00}{100}$ dollars, the whereof is hereby acknowledged, I do by these presents assign, transfer, cede, and abandon to the Mercantile Mutual Insurance Co., all my right, title, and interest in and to the property hereinafter specified, and in and to the proceeds thereof, and all that can or may in any way be made, saved, or realized from the damage or loss reported to have occurred, by reason of which a claim of payment has been made by me, with full power to take and use all lawful ways and means (at the risk and expense of said company) to make, save, and realize the said property or its proceeds, to wit, ($\frac{3}{5}$ths) three-fifths of brig Betsey Ames, bound from New York to Cardenas, and at and thence back to New York or a port in Europe, and covered by insurance in the said Mercantile Mutual Insurance Company, under my policy, dated the first day of October, 1861.

(Signed) BARAK MAXWELL.

Dated New York, Dec. 12, 1861.
Copy annexed.

C. W. NEWTON, *U. S. Commissioner.*

24 CITY AND COUNTY OF NEW YORK, *ss:*

I, B. Maxwell, of the city of New York, do hereby testify, that to the best of my knowledge and belief, there was no other insurance covering the risk of war (as per policy No. 8960) per brig Betsey Ames, on her late voyage from New York to Cardenas, and at and thence back to New York, or to a port in

Europe, except under my policy, as above, in the Mercantile Mutual Insurance Company, to which the said insurance is justly applicable, for the sum of six thousand and $\frac{00}{100}$ dollars.

(Signed) BARAK MAXWELL.

Subscribed and sworn before me this 12th day of December, 1861.

(Signed) GUSTAR FINCKE, *Notary Public.*

Report by prize commissioners of all property on board brig "Lilla," when captured.

8th August, 1862, filed in clerk's office.

DISTRICT COURT OF THE UNITED STATES,
District of Massachusetts:

To the Hon. Peleg Sprague, judge of said court:

The undersigned, prize commissioners, respectfully report to the court, that the following schedule contains all the property on board the brig "Lilla" when captured, which has been brought into this district for adjudication, or has come to their knowledge:

25 [x] 506 bales cordage.
[M] 131 " "
[V] 499 " "
C 6 " white bags.
[P×] 6 " twine.
P 7 " canvas bags.
{H L} 3 cases leather.
S A 8 rolls iron wire.
[F & S] 118 blocks tin.
{F S} 4 cases sheet copper.
67
" 3 " " zinc.
[F S]62 1 cask ingots of tin.
" 2 kegs do.
" 26 casks spelter.
{F S} 350 boxes tin plates.
67
" 120 boxes tin plates.
" 128 b'dls sheet iron.
B D H 11 kegs drugs.
J C B 7 pigs lead,
" 100 boxes tin plates.
" 12 ingots tin.
[W] 60 b'dls sheet iron.

[P D]25 1 small box drugs.
P & D 9 cases do.
" 26 1 " glass.
" 10 " castor oil.
" 24 1 cask drugs.
" 3 bbls. 1 keg do.
[F 69] 1 cask brass wire and crucibles.
S & Co.
" 153 b'dls steel.
" 100 plates spelter.
[F] JB 597 boxes soap.
M B D Hewitson, 1 roll iron wire.
[B] 80 bbls. refined saltpetre.
1,333 bags saltpetre.

Various stores.

I new hawser.
11 h'lf bbls. beef and pork.
8 bbls. ship bread.
1 " oatmeal.
1 h'lf bbl. split peas.
1 bag coffee.
1 bbl. vinegar.
1 bbl. molasses.

ERASTUS SAMPSON,
Prize Commissioner.

BOSTON, *August* 8, 1862.

26 *Preparatory examination of Frederick Fisher, taken before Arthur Dexter, esq., prize commissioner, at Boston, on the 16th day of July, A. D. 1862.*

Fred. Fisher, being duly sworn, answers to the standing interrogatories, as follows:

1. My name is Fred. Fisher. I was born in New York, and moved to

Charleston, S. C., when I was a year old. Am now fifteen years old. My mother and father live in Charleston.

2. I was present.

3. We were taken on the 3d of July, off Abaco, and brought into Boston. Heard no reason given. "Suspicious cargo," I suppose.

4. We sailed under English colors. There was an old American ensign in the mate's room.

5. The captain refused to go aboard the "Quaker City," and said he would shoot the first man who put his hand on him. He had a pistol in his hand. He went aft, and then the marines took him by force, and then he walked of himself to the gangway, and went aboard. I heard one musket fired for us to heave to; no others. No other ships were in sight. The "Lilla" was a merchantman only, with no letters of marque, &c. The "Quaker City" was a U. S. armed steamer.

6. Answered.

7. The prize was called the "Lilla." Had on her stern "Lilla, Liverpool." The captain's name was Appelby. I never knew him till he came aboard at Liverpool, in the latter part of April. He lives in Liverpool, and so does his wife.

8. The "Lilla" is 235 tons register. The crew was 9, captain and mate, cook and steward, and me, all aboard at the capture. They are English and Dutch. All came aboard at Liverpool, in May. Capt. Appelby shipped them.

9. I was cabin boy. The voyage I shipped for was to Nassau and back to Liverpool, at $15 a month. None of officers or seamen had any interest in ship or cargo that I know of.

27 10. I first saw the Lilla six months ago in Charleston, So. Car. There were fifteen men aboard when she was taken, including two passengers. She is American built. In Charleston she was called the "Mary Wright." Never knew her called by any other name.

11. We were bound for Nassau and back to Liverpool. Her cargo, put on board at Liverpool, in May, was saltpetre, rope, tin and lead, and soap. One of the passengers, Hewitson, had some cargo—drugs, I believe.

12. I know nothing of her papers. It was the 2d of March, '62, that we ran the blockade out of Charleston, with a cargo of cotton and tobacco. We went to Liverpool, arriving on the 2d of April. Sailed from there on the 15th of May.

13. The cargo found on board was the same that was put aboard in Liverpool. I can't state the quantities.

14th, 15th, 16th 17th and 18th interrogs. Cannot answer.

19. We were taken July 3d, 1862, four miles off Abaco light. I don't know anything about any charter-party.

20. I never saw any papers destroyed or thrown overboard.

21. 22. We knew the southern U. S. ports were blockaded, but we shipped for Nassau, and we knew *that* was not.

23. No.

24. I never knew her to try to go into any blockaded port.

25. Never, that I know of.

26. I haven't lost anything, only my wages.

27th, 28th, 29th. Cannot answer.

30. All the cargo was put aboard from the wharf, and in the day time.

31. Cannot answer.

32. Never saw any papers delivered out of the vessel.

33. The cargo was not disturbed before or after capture.

34. There were two passengers aboard, Hewitson and Libby. Libby was the captain who came out from Charleston with the brig. He is a Charleston man bred and born. Hewitson is an Irishman. They came aboard at Liver-

pool, and were going to Nassau. Neither of them had anything to do with the ship and cargo, further than that Hewitson owned some of the cargo.
28 Nobody was concealed or confined aboard. Libby and I were the only U. S. citizens aboard.

35. Can't say.

36. We always headed for Nassau when we could, and did not alter our course when we saw the steamer.

37. Cannot answer.

38. We carried no guns. There was nothing like soldiers' things on board.

39. I think the vessel and cargo were really going to Nassau.

40. We never sailed under convoy. I know of no such instructions.

41. We made no attempt to run any blockade on this voyage. We ran the blockade out of Charleston on the last voyage.

42. Not that I know of.

43. Never.

44. We did not speak any vessel on the voyage. We showed English colors to a French frigate a good ways off.

FREDERICK FISHER.

Preparatory examination of James S. Saunderson, taken before Arthur Dexter, esq., prize commissioner, at Boston, on the 26th day of July, A. D. 1862.

James S. Saunderson, being first duly sworn, answers to the standing interrogatories, as follows:

1. My name is James S. Saunderson, born in Ireland, and live there now. Am a British subject. Age 30. Am unmarried.

2. I was present.

3. It was off the island of Abaco, on the 3d day of July, 1862. I was taken aboard the "Quaker City," transferred to the "St. Lawrence," and then to the "Rhode Island," which brought me to Boston. The prize had no letters of marque that I know of. I heard no reason given.

29 4. The prize sailed under English colors. There was a Spanish ensign on board, and what they call "a secession flag," also. I am not sure whether there was an American ensign or not. No flag was hoisted during the voyage except the English flag.

5. There were no guns fired. The captain was a little ugly at first, and would not go into the boat; but when the marines came aboard he went with them without much trouble. There was no vessel in sight except the captor. The prize was a simple merchantman, and the captor was a U. S. steamer.

6. (Answered.)

7. The prize was the "Lilla." On her stern was "Lilla, of Liverpool." Appleby was captain. I can't say who appointed him. I have known him only since I have been in the ship. I believe he lives in Liverpool. The first time I ever saw the ship was about the middle of May, in Liverpool.

8. I think the "Lilla" is 220 tons. There were 8 sailors, boatswain, mate, captain, steward, and cabin boy. They were all aboard at the time of capture. They are of various nations. They, most of them, came aboard about the middle of May. The boatswain, steward, cabin boy, and 1 man were aboard already. The men were shipped at the Sailors' Home.

9. I was mate. I shipped for a voyage from Liverpool to Nassau, a port or ports in the West Indies, and thence to a port of final discharge in Great Britain or Ireland. Voyage not to exceed 12 months. I was to have £7 per month. I do not know of master or any of the crew having any interest in ship or cargo.

10. I should take her to be an American-built vessel. I never knew her by any other name. [The rest has been answered.]

11. This was a bona fide voyage from Liverpool to Nassau, and she was

bound into Nassau when taken. I cannot say what she had as lading, except soap and small rope, which was on top. It was put aboard in Liverpool shortly before we sailed. The cargo found aboard was the same laden at Liverpool, and in the same condition.

12. I cannot answer, except that we sailed May 15.

13. (See 11.)

30 14. I know nothing about it.

15. (Same answer.)

16. (Same answer.)

17, 18. I know nothing about the bills of lading.

19. We were taken about ten miles to the N. & E. of Abaco. It was about 2 p. m. of July 3d. I do not know about any charter-party.

20. I do not know about the papers. I never saw any destroyed or thrown overboard.

21. Every one aboard knew that the southern ports were blockaded, and that Nassau was not so.

22, 23, 24. Inapplicable.

25. Never that I know of to my own knowledge. I heard aboard that she was taken by the privateer "Sally," Captain Libby, (the same who came passenger with us,) she being then a northern vessel; and that Libby took her into Charleston. Libby was not present when this was said.

26. Besides my wages, I have lost a bag of clothes since I came aboard the "Quaker City," of the value of $30. I have had no promise of indemnity.

27, 28, 29. Cannot answer.

30. The cargo was shipped from the quay at Liverpool, and it must have been by day, as lights are not allowed.

31. Cannot answer.

32. I never saw any papers delivered out of the vessel except to the prize-master. Within two weeks after we left Liverpool, some one, I think it was Appleby, told me some one had thrown "a secession flag" overboard. I heard that there were two on board at first sailing.

33. Bulk was not broken before or after capture.

34. There were two passengers aboard, Libby and Hewitson. Libby was a South Carolina man, as I heard. Hewitson was an Irishman. I heard that Hewitson owned some of the cargo—drugs. They came aboard at Liverpool, and were going to Nassau. Libby acted as captain, working ship and giving courses from the time we left Liverpool until we sighted the "Quaker City." I heard Appleby say that he was to act as mate until they got to Nassau,
31 and then Libby was to leave, and Appleby was to fetch the vessel back
to Liverpool. Libby was really my skipper on the voyage, and I and Appleby stood watches like first and second mate. In fact, we went under that appellation—as first and second mate. No one was hidden or confined on board. I saw Appleby taking account of cargo on the quay; this is first mate's business.

35. Cannot answer.

36. We did not change our course when we saw the steamer. We sailed our course for Nassau whenever the weather permitted. We were about a day's sail from Nassau when taken.

37. I heard the vessel was sold in Liverpool. As to the owners, I only know that Frazer & Co. paid our advance-note.

38. We mounted no guns. I and the captain had pistols of our own. I know of no military or warlike goods aboard.

39. My real belief was and is that the vessel was bound for Nassau, and that the cargo was intended for the south; that it would be sent there from Nassau, but not in the "Lilla."

40. We never sailed under convoy, and I heard no such instructions.

41. I heard that she was run into Charleston when captured by the privateer, and ran out thence to Liverpool. I never heard of her running any other blockade.

42. So far as I know, she never had a privateer's license.

43. Never, so far as I know.

44. I don't think we were spoken by any vessel during the voyage.

JAMES S. SAUNDERSON.

32 *Preparatory examination of James Drain, taken before Arthur Dexter, esq., prize commissioner, at Boston, on the 15th day of July, A. D.* 1862.

James Drain, being duly sworn, answers to the standing interrogatories as follows:

1. My name is James Drain; born in London; now live there; am 23 years old; am a British subject; am unmarried.

2. I was present at the capture.

3. The capture was made on the 2d or 3d of July, 1862, off Abaco island; we were brought into Boston. So far as I know, the brig had no such commission or letters. I do not know why the seizure was made.

4. We sailed under English colors. I know of no others on board.

5. No resistance was made. Heard no guns. The capture was made by the "Quaker City" steamer. I saw no other ship in sight. The "Lily" was a simple merchantman. I do not know who were the owners. I cannot state the force of the "Quaker City."

6. Cannot answer.

7. The name of our vessel was the "Lily." The master's name was Appleby. "Lily, of Liverpool," was on her stern. I first saw the vessel on the 13th of May, in Liverpool, when I shipped. I never saw the captain before. Cannot answer further.

8. The "Lily" is 200 and odd tons burden. The ship's company was thirteen, all on board at time of capture. They are mostly English: one or two Dutchmen. They all joined in Liverpool on the same day. They were shipped by the shipping-master of the "Sailors' Home."

9. I was an able seaman. I shipped for a voyage from Liverpool to Nassau, thence to a port of the West Indies and back to Liverpool or any port in the United Kingdom, the voyage not to exceed 12 months, at £2 10 0 per month. I had no interest in ship or cargo, and so far as I know none of the crew or officers had.

10. She carried no guns. There were fifteen men aboard; I believe she is of American build. I never knew her by any other name; I heard said aboard that she used to be called the "Mary Wright."

33 11. I have stated the voyage; when taken we were going to Nassau. I know nothing of her cargo, beyond some rope; I don't know when it was laden.

12. I know of no passport; we sailed from Liverpool and were bound to Nassau when taken.

13. Cannot answer.

14. Cannot answer.

15, 16, 17, 18. Cannot answer.

19. We were taken some three miles south of Abaco island on the 3d of July, '62. I know nothing of any charter-party.

20. I can only say I never saw any papers destroyed.

21. It was known by all that the southern ports were blockaded by the United States force.

22. No such notice was endorsed on our papers, and no special warning given.

23. No.
24. I have no means of believing anything about it.
25. Not to my knowledge.
26. I have lost only my time, and don't know whether I shall get my wages or not. I received a month's advance; had no promise of indemnity.
27, 28, 29, 30, and 31. Cannot answer.
32. No papers were delivered out of her before capture.
33. Bulk was not broken before capture.
34. There were two passengers aboard; neither of them secreted. "Hewitson" (or something like that) was one of the names, and Mr. Libby was the other. I do not know their business or rank. They came aboard at Liverpool, and were to go to Nassau. I never heard that either of them had anything to do with the vessel or cargo. No one was secreted on board, or confined. No U. S. citizens were aboard.
35. I cannot answer about any papers.
36. I am not a navigator, and can't say whether we were heading for Nassau or not. We did not alter our course when we saw the "Quaker City." So far as I know we kept on our course whenever the wind permitted.

34 37. Cannot answer.

38. We had no guns mounted; I don't know what was in the cargo. No part of the cargo was thrown overboard.
39. Cannot answer.
40. We did not sail under convoy. Cannot answer further.
41. We had not tried to enter any blockaded port.
42. Cannot answer.
43. No.
44. We had not fallen in with any vessel at all.

JAMES his + mark DRAIN.

Witness: ARTHUR DEXTER.

Preparatory examination of Edward Kiley, taken before Arthur Dexter, esq., prize commissioner, at Boston, on the 15*th day of July, A. D.* 1862.

Edward Kiley, being duly sworn, answers to the standing interrogatories as follows:

1. My name is Edward Kiley. I was born in Bristol, England, and still live there. Am 21 years old. Am a British subject, unmarried.
2. I was present.
3. The capture was made on the 3d of July, off Abaco island. We were brought to Boston. I heard no reason given.
4. We sailed under English colors. Never saw any others aboard.
5. No resistance was made, and no guns were fired. No other ships were in sight. The "Lilla" was a merchantman. We were taken by a man-of-war vessel.
6. The "Quaker City," which took us, is in the service of the United States.
7. The brig's name was the "Lilla." On her stern was "Lilla, Liverpool." The captain's name was Appleby. I have known him some three

35 months. He took possession of her in Liverpool. He lives in Liverpool, he and his wife and children. He is a British subject.

8. The brig is between 2 and 300 tons burden. The ship's company were 13, all on board. They are English and Dutch. They all came aboard at Liverpool, on the 14th May. Capt. Appleby shipped them.
9. I was shipped as boatswain. The voyage was to Nassau or any other port in the West Indies, and back to some English port; the voyage not to ex-

ceed 12 months. My wages were £6 (six) per month. I had no interest in vessel or cargo, and I do not think either officers or men had any.

10. I have known the "Lilla" some six months. I first saw her in Charleston, S. C., the 3d of January last, when I shipped aboard of her. I sailed in her from Charleston to Liverpool, loaded with cotton. We ran the blockade in the night. Capt. Libby was master that voyage, the same man who came passenger this time. There were fifteen men aboard when she was captured. When she was in Charleston she was called the "Mary Wright."

11. The voyage was from Liverpool to Nassau and back to Liverpool. The cargo was put aboard at Liverpool in the first part of May. I do not know of what it consisted.

12. I know nothing of any passport. We sailed straight from Liverpool to Nassau. She left Liverpool May 15.

13. Already answered.

14. I do not know who owned vessel or goods.

15. I heard that the brig was to be sold when we got to Liverpool (from Charleston,) but know nothing more.

16. I cannot answer.

17, 18. Cannot answer.

19. When taken, we were 3 or 4 miles off Abaco light; it was in the afternoon of July 3d, 1862. I don't know whether there was a charter-party or not.

20. I don't know anything about any papers aboard. I never saw any detroyed or thrown overboard.

21. Inapplicable.

22. Inapplicable.

36 23. No.

24. I know of no attempt to enter any blockaded port, and the only time I know of her leaving one was when we left Charleston, in March last. I shipped there in January, and we waited till March before we got a chance to run out.

25 Never, to my knowledge.

26. I have not lost anything, unless I lose my wages. I had no promise of indemnity.

27, 28, 29. Cannot say.

30. The cargo was all put aboard from the wharf, and in the day time.

31. I cannot say.

32. I saw none.

33. Bulk was not broken.

34. There were two passengers. They were not concealed or confined. Their names were Libby and Hewitson. I do not know their country or business. They came aboard in Liverpool river, and were going to Nassau. I do not know of their having anything to do with vessel or cargo. There were no citizens of the U. S. on board, and no one was concealed aboard.

35. I know nothing of the papers aboard.

36. When taken we were steering for Nassau. Did not alter our course when we saw the steamer. So far as I know, we always kept our course when the weather would permit.

37. I cannot say.

38. We mounted no guns. I do not know what was in her hold. None of the cargo was thrown overboard.

39. Cannot answer.

40. We had no convoy. I know of no such instructions.

41. No.

42. Cannot say.
43. No.
44. We spoke no other vessel.

his
EDWARD × KILEY.
mark

Witness: ARTHUR DEXTER.

37 *Preparatory examination of Antonio Reat, taken before Arthur Dexter, esq., prize commissioner, at Boston, on the 15th day of July, A. D.* 1862.

Antonio Reat, being first duly sworn, answers to the standing interrogatories as follows:

1. My name is Antonio Reat. Was born, and now live, in Rotterdam. Am a Dutch subject. Am unmarried.

2. I was.

3. We were taken on the afternoon of Thursday, July 3, off Abaco island, about 3 or 4 miles. I heard no reason given for the capture.

4. We sailed under English colors, and I never saw any others on board.

5. I think no resistance was made and no guns fired, but I was below in my bunk suffering from rheumatism. We were taken by a steamer. I forget her name. The "Lily" was a merchantman.

6. I cannot answer.

7. Our vessel was the "Lilla;" the master's name was Appleby. I never saw him till I came aboard, and don't know where he lives. I don't know what was on the "Lilla's" stern.

8. I can't say how large she is. The ship's company was thirteen, all aboard when we were captured. I don't know what countrymen they are They were all shipped in Liverpool on the 13th of May from the "Sailors' Home."

9. I shipped as able seaman. The voyage was from Liverpool to Nassau and back to Liverpool, the voyage not to exceed 12 months. I was to have £2 10 0 a month. So far as I know, none of the officers or company owned any part of vessel or cargo.

10. I never saw the brig before I shipped. There were fifteen aboard. I cannot answer further.

11. We were bound for Nassau. I have stated the voyage. I know nothing of the lading, which was all aboard when I came.

12. I know nothing of any papers that may have been aboard. We sailed from Liverpool the 15th of May.

38 13 to 18. Is ignorant of these matters.

19. I have stated our place of capture. I know nothing of any charter-party.

20. I never saw any papers burnt or destroyed aboard.

21. (Inapplicable.)

22. (Inapplicable.)

23. Not to my knowledge.

24. I never knew of any such attempt.

25. Never to my knowledge.

26. I have lost nothing, unless I lose my wages.

27. Don't know about the insurance.

28, 29, 30, and 31. I cannot answer.

32. I know of none being delivered.

33. Bulk was not broken.

34. There were two passengers aboard. I do not know their names or nation. They were not hidden or confined. They came aboard at Liverpool. I do not know whether they had any interest in the ship or cargo. There was no one concealed on board. No citizens of the United States were on board.

35. Cannot answer.

36. So far as I know, we always sailed our course. I was taken sick fourteen days out, and was sick and below at the time of capture.

37. Cannot answer.

38. We had no guns. I do not know of what the cargo was composed. I never saw any warlike things aboard.

39. Cannot answer.

40. We had no convoy. I know of no such instructions.

41. Never.

42. Cannot answer.

43. No.

44. We did not fall in with any vessel previous to our capture.

his
ANTONIO + REAT.
mark.

Witness: ARTHUR DEXTER.

39 *Preparatory examination of Francis Knight, taken before Arthur Dexter, esq., prize commissioner, at Boston, on the twenty-sixth day of July, A. D.,* 1862.

Francis Knight, being first duly sworn, answers the standing interrogatories as follows:

1. My name is Francis Knight. I was born in Northumberland, England. I am a British subject. My wife lived and died in Canada, and since that I have lived in England.

2. I was.

3. We were taken off Abaco light on July 3d. I was sent to Boston in the Rhode Island, after being first taken into Key West. I heard no reason given.

4. We sailed under English colors. I have seen a Spanish flag aboard and an American ensign. I never saw a "secession" flag aboard, tho' I heard there was one.

5. The captain made a fuss when we were boarded, but there was no other resistance. No other ship was in sight at time of capture except the steamer that took us. The prize was a merchantman, and the steamer was a U. S. ship.

6.

7. On the stern of the prize was "Lilla, Liverpool." Appleby was the man we signed under as captain. I never saw him until he came aboard. He is an Englishman.

8. The "Lilla" is about 230 tons. The ship's company was thirteen, including the captain—all on board at the capture. They belong to several nations. They, most of them, shipped in Liverpool on the 13th of May. The mate, captain, cook, boy, &c., were aboard when we joined. Appleby shipped us.

9. I was a foremast hand aboard; shipping for a voyage from Liverpool to Nassau and a port in the West Indies and back to Liverpool; the voyage not to exceed twelve months. I don't think either officers or crew had any interest in ship or cargo.

10. I never knew the "Lilla" till I saw her in Liverpool when I shipped. She is American build. I never knew her by any other name.

40 11. I saw soap and rope and bale goods aboard; that is all I know of the cargo which was all aboard before we joined.

12. (Answered as far as he can.)

13. The cargo found on board was the same with which she left Liverpool. Further I cannot say.

14. I don't know who were the owners, only our advance notes were given by Frazer & Co., of Liverpool. I have heard they have a house in Charleston, S. C.

15, 16, 17, 18. Cannot answer.

19. We must have been some six or seven miles to the eastward of Abaco light; we were taken about 2 p. m., of July 3d. I do not know anything about a charter party being signed for the voyage.

20. I never saw a paper destroyed or thrown overboard. Never saw any papers at all.

21. We were bound to Nassau, which was not blockaded. We knew the southern ports were.

22, 23, 24. Cannot answer.

25. I heard while on board that she had been a northern vessel and was taken by the southern privateer "Sally," Lebby being master.

26. Besides my wages, I have lost some $6 or $7 worth of clothes. We received no promise of indemnity.

27. Cannot say.

28. I heard the crew say that the cargo was to go by steamer from Nassau to some southern port. But it was mere rumor.

29. Cannot answer.

30. Cannot answer.

31. Cannot answer.

32. I never saw any papers delivered out of the vessel.

33. No.

34. There was one passenger, Hewitson, an Irishman. Libby called himself a passenger, but he acted as captain during the voyage until we were boarded, when he appeared to have nothing to say. I never knew either of them before I saw them aboard. No one was concealed or confined on board.

35. Cannot answer.

41 36. So far as I know, we always sailed our course for Nassau when the weather permitted, and we did not alter our course on sighting the "Quaker City."

37. Cannot answer.

38. We mounted no guns. I never heard of any military stores aboard excepting some saltpetre.

39. I believe that the cargo would have been discharged at Nassau and that Libby was to have a steamer there to take it to some southern port.

40. We didn't sail under convoy.

41. I know nothing of it.

42 & 43. Cannot answer.

44. I think we did not speak any vessel.

FRANCIS KNIGHT.

Preparatory examination of Charles Bancroft, taken before John Lowell, esq., prize commissioner, at Boston, on the 15*th day of July, A. D.* 1862.

Charles Bancroft being duly sworn and examined upon the standing interrogatories, deposes as follows:

1. I was born in England, and am still a British subject. I have lived all over the world. I don't know where I live now. I have no family. I am a seaman.

2. I was on board the "Lilla" when she was taken.

3. She was taken early in this month of July, near "Hole in the Wall," or Abaco. I heard nothing about the reason for the capture. She had no commission for taking prizes.

4. She sailed under English colors. I don't know of any other colors on board.

42 5. The captain drew a pistol. There was a shot fired for us to heave to;

that was all. The "Lilla" was a merchant vessel. The capturing vessel was the United States Gunboat "Quaker City."

6. The capturing vessel was a gunboat, I believe. The "Lilla" was brought directly to Boston, and has just arrived.

7. The "Lilla" of Liverpool, and this was on her stern. Her master was Appelbee. I don't know where he lives, or who gave him possession of the vessel.

8. The "Lilla" is of about two hundred and forty tons burden. She had captain, mate, boatswain, cook, boy, and nine before the mast. They were all shipped in Liverpool two days before the ship sailed. The master shipped them in the Sailors' Home at Liverpool.

9. I was able seaman. My voyage was from Liverpool to Nassau, and back to a port of discharge in the United Kingdom; the voyage not to exceed twelve months. I think the articles spoke of some other place in the West Indies, after Nassau, but I can't recollect precisely. I had no interest in vessel or cargo. I don't know whether the master or any one else on board had.

10. I never knew the vessel until I shipped in her this time. I don't know where she was built. Don't know of any other names she has been called by. I have said what I know of the crew.

11. The vessel was bound to Nassau and to some other port in West Indies, and back to the United Kingdom. I don't know what her cargo is, except that I have seen some coils of rope down forwards. I don't know where it was put on board.

12. I know nothing about the ship's papers or any papers. I know nothing of former voyages or cargoes.

13. I don't know about the cargo. She was all ready for sea when I came aboard.

14. I don't know who owns vessel or cargo.

15. I don't know.

16. I don't know.

17. I don't know.

18. I don't know.

19. I have said all I know about this.

43 20. I know nothing about the papers. I don't know of any being destroyed or thrown overboard.

21. I do not know of any blockaded port that we were going to. I heard nothing about it.

22. Nassau was not blockaded.

23. I don't know.

24. I don't know.

25. I don't know of any seizure until this by the "Quaker City."

26. I have a month's pay due me, £2 10 0. I don't know who is to give me that. I had no promise of indemnity.

27. I don't know.

28. I don't know.

29. I don't know.

30. I don't know. I believe the vessel was loaded at Liverpool; but do not know it of my own knowledge.

31. I don't know.

32. I don't know of any such.

33. Bulk has not been broken.

34. There were two passengers, Mr. Lebby and Mr. Hewitson. I don't know what was their business or what interest, if any, they had in the vessel or cargo. They came on board the day we left Liverpool river.

35. I don't know.

36. She was steering towards Nassau, and had been. I don't know how far she was from Nassau.

37. I don't know.

38. She had no guns or arms or anything herein inquired of, so far as I know. I don't know what her cargo was.

39. I know nothing.

40. She did not sail with convoy on this voyage. I know nothing of former voyages.

41. I don't know of her attempting to enter any blockaded port.

42. She had no letters of marque or commission to take prizes, that I know of.

43. Not that I know of.

44. She did not speak any vessel and was not boarded until overhauled by the "Quaker City."

CHARLES BANCROFT.

44 *Preparatory examination of William Campbell, taken before Arthur Dexter, esq., prize commissioner, at Boston, on the* 16*th day of July, A. D.* 1862.

William Campbell, being first duly sworn, answers to the standing interrogatories as follows:

1. My name is William Campbell; I was born in Ireland, and am a British subject; am not married.

2. I was present.

3. The capture was made on the 3d of July last, off Abaco light. We were brought into Boston. The prize had no letters of marque, &c. I heard no reason given for the seizure.

4. We sailed under English colors. I never saw any others on board, except an old American ensign. It was in the mate's room, but not kept with the English ensign and ship's numbers, which were together in a bag, and in that same room.

5. After the captain had showed his papers he refused to go on board the steamer, and drew a pistol, and so did the U. S. officer. Some marines came aboard of us, and I heard them ordered to shoot the captain if he didn't go aboard with them. He finally went with them without further resistance The steamer fired one musket for us to heave to; no other ships were in sight. The prize was a simple merchantman. The steamer "Quaker City," that took us, was an armed vessel in the service of the United States. I do not know her force.

6. (Answered as far as applicable.)

7. The prize was the brig "Lilla." On her stern was "Lilla, Liverpool." Captain Appleby was master. I never saw him before he joined the vessel in Liverpool in April. His wife and family live in Liverpool. I have known the vessel since January, 1862.

8. The prize is of 235 tons (English) burden. The crew was nine forward. Captain and mate, a boy and myself, all on board at capture. They are all English, except two Dutchmen and the boy. All the seamen came aboard in Liverpool in May, except Kiley, who had been with her in port. They were shipped by the captain from the "Sailors' Home."

45 9. I was steward aboard. We signed for "from Liverpool to Nassau and back to Liverpool, 12 months, unless sooner discharged." My wages were to be £10 a month. I had no interest in vessel or cargo, and so far as I know, none of the officers or crew had.

10. I have known the prize since January, 1862. I first saw her then at Charleston, S. C., and shipped aboard of her as steward. She was loaded with

cotton and a little tobacco. She was then called the "Mary Wright," and Capt. Lebby went master of her. We waited for a chance to run the blockade until the 2d of March, and then ran out in the evening and got clear and went to Liverpool, arriving there on the 2d or 3d of April. I never knew her go by any other name.

11. I have stated the voyage on which we were bound. We had aboard Manilla rope, saltpetre, and soap, a little metal. That is all I know of. Hewitson, one of our passengers, had some cargo aboard; I do not know what. All the cargo was laden in Liverpool in May. I don't know of any contraband of war.

12. I know nothing of passport, &c.; in fact, I do not know anything about her papers; we had sailed straight for Nassau up to the time of capture. I have stated the cargoes on the two voyages. We left Liverpool May 15.

13. I cannot give the quantities of the articles of her cargo. It all came aboard at Liverpool, and was all in her when captured.

14. I do not know who were owners.

15. Am ignorant of this.

16, 17. Ditto.

18. The captain had all the papers.

19. We were 3 or 4 miles off Abacco light, to the southward of it. It was 10 or 11 o'clock a. m., July 3, 1862. Know nothng of any charter.

20. I never saw any papers destroyed or thrown over from the vessel from the time we sailed. Further than this I cannot answer.

21. We knew, of course, that the southern U. S. ports were blockaded; Nassau was not, and we were going there.

22. (Inapplicable.)

23. No.

46 24. The prize never tried to enter any blockaded port.

25. I never knew of her being seized as a prize before.

26. I have lost nothing but my wages.

27, 28, 29. Cannot answer.

30. Everything was laden from the wharf by day.

31. I know nothing about it.

32. No papers were delivered out of the vessel before capture.

33. Bulk was not broken.

34. There were two passengers aboard, Hewiston and Capt. Libby. Hewiston is an Irishman, and Libby is a S. Carolina man; belongs to Charleston. They came aboard at Liverpool, and were going to Nassau. Libby had nothing to do with vessel or cargo. Hewitson owned some cargo. There was no one hidden or confined aboard. Libby and the cabin boy were the only U. S. subjects on board. The boy is from Charleston, S. C. Libby was going to stop at Nassau.

35. Cannot answer.

36. We were heading for Nassau, and had been whenever the weather permitted. We did not alter our course when we saw the steamer.

37. I know nothing about the sale of the vessel.

38. We mounted no guns. There was nothing of a warlike character put aboard, and no part of the cargo was thrown overboard.

39. I believe we were bound to Nassau and nowhere else. Before I signed the articles in Liverpool, I asked Capt. Appleby whether we were really going to Nassau, and told him I did not want to ship if he was going to run any blockade. He told me he was not going to, but was going to Nassau and back to Liverpool.

40. We did not sail under convoy in either voyage. I know of no such instructions as are mentioned.

41. (Has been answered as fully as he can answer.)

42. We had no privateer's license, or anything of the sort.

43. Never to my knowledge.

44. We saw two vessels a few days before meeting the "Quaker City," but spoke no vessel.

WILLIAM $\overset{\text{his}}{\underset{\text{mark.}}{+}}$ CAMPBELL.

Witness: ARTHUR DEXTER.

47 *Preparatory examination of Henry S. Lebby, taken before John Lowell, esq., prize commissioner, on the fifteenth day of July, A. D.* 1862.

Henry S. Lebby, being duly sworn and examined upon the standing interrogatories, deposes as follows:

1. I was born in Charleston, South Carolina, and now live at Spartanburg, about one hundred and forty miles from Charleston, in South Carolina. I am married and my family reside at Spartanburg. I am a citizen of the United States.

2. I was on board the "Lilla" when she was captured.

3. She was taken July 3d, 1862, between one and two o'clock in the day, about three miles from Abaco light-house. The Lilla had no commission for taking prizes.

4. She sailed under British colors. She had the American colors on board, because she was sold in Liverpool and had been an American vessel.

5. She was captured by the "Quaker City," a gunboat of the United States. No other vessels were in sight at the time. The "Lilla" was a merchant vessel. The Quaker City was a gunboat of nine guns.

6. The capturing vessel was the gunboat Quaker City. The Lilla was ordered to Boston and brought here by a prize crew.

7. The vessel had "Lilla" of "Liverpool," upon her stern. The master's name was Applebee, of Liverpool, I believe. I have known the vessel about six months, and the master about two months. The master took possession of the vessel at Liverpool; she was delivered to him by Mr. Bushby.

8. I don't know the tonnage of the vessel; I suppose about two hundred and fifty tons. The company consisted of fourteen all told, I think, including the passengers. The crew were shipped at Liverpool on the fourteenth day of May, 1862. I don't know by whom.

9. I was on board the vessel as a passenger; I had no interest in the vessel or cargo. I belive Mr. Hewetson had some goods on board. I know nothing further.

10. I have known the vessel since last January or February. I first
48 saw her in Charleston; she carried no guns. She was called the "Mary
Wright" at Charleston. I don't know where she was built. I have stated the number of persons on board.

11. She was bound from Liverpool to Nassau; nowhere else. I don't know precisely about the cargo. She had soap, saltpetre, rope, tin, sheet iron, &c. It was all put on board at Liverpool in May. I don't know what goods are contraband.

12. She had British papers. The only voyage besides this one, that I know anything of, was from Charleston to Liverpool; on that voyage she carried cotton. I was her navigator.

13. I have answered all I know about the cargo. It was all on board when she was taken.

14. Mr. Bushby is the owner of the vessel. I don't know about the cargo, except that Mr. Hewetson had something. Mr. Bushby lives at Liverpool. I don't know how long he has lived there. I never saw him anywhere else.

15. She was sold in Liverpool to Mr. Bushby, as I suppose. I was so informed by Mr. Frazier Trenholm, to whom I was consigned, and who had, I

suppose, a power of attorney. I never saw any bill of sale and don't know particularly about it.

16. I don't know who were the shippers. The vessel and cargo were consigned to Mr. Anderly, at Nassau. I don't know whether the consignee had any interest in the goods. I don't know who owned the goods.

17. I know nothing about the bills of lading.

18. I know nothing about the papers, except the papers which Capt. Appelbee had, and which were taken with the vessel.

19. I have said that the vessel was taken near Abaco, July 3d, 1862. I know of no charter-party.

20. I know nothing further than I have stated about the papers. I don't know of any being thrown overboard, concealed, or destroyed.

21. Nassau was not blockaded.

22. I answer as above.

23. I don't know of the register having been examined by any officer.

24. I know nothing about this.

49 25. This vessel has been seized and condemned as prize in Charleston some time ago. I was not there at the time and do not know this of my own knowledge. She lay in Charleston a long time, and I went out in her, not wishing to go in the army or navy.

26. I have sustained no loss by the capture.

27. I don't know except by hearsay.

28. I don't know.

29. I have answered all I know.

30. She was loaded in Liverpool, from the dock, in the day time.

31. I know of no such papers or documents.

32. Not to my knowledge.

33. Bulk was not broken.

34. There were two passengers, Mr. Hewetson and I. I was going to Nassau, and from Nassau I intended to work my way back to Spartanburg. I wished to get back to my family. I was paid off in Liverpool and wanted to get home.

35. I know nothing about the papers further than I have stated. She was sold in Liverpool, and registered as a British vessel.

36. The vessel was bound to Nassau, and was, and always had been, steering in that direction; she was close under the land when taken, and about forty-five miles from Nassau.

37. She was sold by Frazier Trenholm, as agents for John Frazier & Co., of Charleston, to R. G. Bushby, of Liverdool. I don't know the price. I believe it was a *real and bona fide* sale to Bushby.

38. There were no guns or other arms, except one or two pistols belonging to passengers and the master. There was saltpetre on freight.

39. She was bound to Nassau.

40. Not to my knowledge.

41. Not to my knowledge.

42. She had no letters of marque.

43. Not to my knowledge.

44. She did not speak any vessel and was not boarded until the Quaker City brought her to.

HENRY S. LEBBY.

50 *Preparatory examination of Barry D. Hewetson, taken before John Lowell, prize commissioner, on the fourteenth day of July, A. D.* 1862.

Barry Drew Hewetson, being duly sworn and examined on the standing interrogatories, deposes as follows:

1. I was born in Ireland; I now reside at Charleston, South Carolina. I am a British subject, and a half-pay officer on the retired list of the British army. Am not now married; my wife is dead. My family live in Charleston.

2. I was.

3. The Lilla was taken off Abaco, New Providence, and brought to this port, (Boston,) arriving yesterday. She had no letters of marque or authority for taking prizes. I heard nothing of the reason of the capture.

4. She sailed under British colors. I know of no other colors on board.

5. There was some little folly of the captain about not being taken off the deck; but I should hardly call it resistance. One gun was fired to make us lie to. The capture was made by the "Quaker City." There was no other vessel in sight. I think the Quaker City had nine guns. The "Lilla" was a merchant vessel.

6. I was informed that the capturing vessel was the U. S. gunboat "Quaker City." The Lilla was not brought in or condemned anywhere. She was sent directly to this port.

7. The brig "Lilla," of Liverpool, and that was the name on her stern. Her master was Appelbee; I don't know who appointed him. He was appointed in Liverpool. I first knew the vessel about the last of February, 1862, when she was lying in stream in stream at Charleston, ready to sail for Liverpool, which we did on the second of March. I have known Appelbee for four years; I went with him four years ago in the "Pacific," from Charleston to Liverpool. He lives in Liverpool and his wife lives there. He was not the master on the voyage out last March, but Mr. Lebby, now passenger, then commanded the vessel.

51 8. I think the Lilla is about two hundred and thirty tons burden. I do not know the number of the ship's crew; they were shipped in Liverpool, and were all on board when we were taken.

9. I was a passenger. I had no interest in the vessel. I had an interest in the cargo. I shipped some medicines, worth, with the freight, about two hundred pounds. My son-in-law keeps a druggist's shop in Charleston, and I am interested with him. These medicines were for the shop. I do not know whether the officers or crew, or any of them, had any interest in the vessel or cargo.

10. I have stated in answer seven when I first knew the vessel. She had no guns. I think there were about seven men, besides cook and cabin boy, composing the crew. I don't know where the vessel was built. When I went out in her in March she was called the "Mary Wright," of Charleston. That is all I know.

11. She was bound from Liverpool to Nassau. Her cargo, so far as I saw it, consisted of saltpetre, tin, and ropes. She was loaded in April and May last. I know of no contraband goods, unless saltpetre is so.

12. I know nothing about the ship's papers. The last voyage before this was from Charleston to Liverpool. She then had cotton and tobacco. On this voyage she had not touched anywhere when taken.

13. I have stated all I know about the cargo.

14. I do not know.

15. I do not know.

16. The vessel was loaded at Liverpool shortly before she sailed. I don't know anything about the cargo or who owned it, excepting that which I shipped.

17. I don't know.

18. I know only that I have my own bills of lading in my trunk on board the vessel. I saw among the papers shown me by the prize commissioner a copy of this bill marked in red "No. 10." The B. D. H. mark is my initials; P. & D. stand for my son-in-law's firm at Charleston. How the bill came to be made to the order of R. G. Bushby I don't know. I don't know any such person.

19. The vessel was captured, I think, July 3d, 1862, about twelve or one o'clock in the day, off Abaco, New Providence. I know nothing about any charter-party.

52 20. I know nothing of any of the papers; I don't know of any being burnt, torn, destroyed, or thrown overboard. I never heard of any such thing until I went on board the Quaker City.

21. The vessel was bound to Nassau.

22. Nassau was not blockaded.

23. I don't know.

24. I don't know.

25. I don't know.

26. I suppose I have lost my medicines, which cost, with the freight, about two hundred pounds. The freight was paid in advance; they would not take it on any other terms. I have received no satisfaction, or the promise of any.

27. My goods were insured from Liverpool to Nassau against ordinary sea risks, not against capture; the premium was too high for the latter. I know nothing further but from hearsay.

28. I don't know.

29. I have stated all I know on this point.

30. The cargo was taken on board in the usual way, and by day.

31. I don't know.

32. I don't know.

33. Bulk has not been broken aboard the vessel before or since her capture.

34. I was one passenger. The only other passenger was Captain Lebby, who formerly commanded the vessel. I have seen Captain Lebby giving orders about taking in sail, &c.; nothing about the cargo. That is all I know concerning any interest or authority. There were no persons concealed on board.

35. I don't know.

36. She was sailing directly for Nassau when first pursued, and had been during all the voyage. She did not change her course. I think we were about six miles from land when captured.

37. I don't know.

38. There was not, so far as I know, any military or naval stores, or other things here inquired of, except saltpetre on freight.

39. The destination of the vessel was Nassau. My object in going to Nassau was that I could not get a passage direct to Charleston, and that by
53 going to Nassau I expected to get my goods re-shipped, supposing that Charleston port would be open by the time we arrived. I would not have shipped anything unless I had supposed that Charleston would be taken and the port opened by that time.

40. I don't know of her ever sailing with convoy.

41. I don't know.

42. I don't know of her ever having any letters of marque.

43. I don't know.

44. We were not spoken nor boarded by any vessel until we were captured.

B. D. HEWETSON.

Preparatory examination of Thomas Wright, taken before John Lowell, esquire, prize commissioner, on the twenty-fifth day of July, A. D. 1862.

Thomas Wright, being duly sworn and examined on the standing interrogatories, deposes as follows:

1. I was born at Southwold, Suffolk county, England. I am still a subject of the Queen of Great Britain. I am married and my family live at Southwold.

2. I was on board the Lilla when she was taken.

3. Off Hole in the Wall, about thirty-five miles from Nassau, on the 3d of

July, 1862, at one o'clock or two o'clock in the afternoon. She was brought to Boston. The Lilla was a merchant brig. I heard no reason given for the capture.

4. She sailed under English colors. She had some others on board. I don't know what. I saw them cutting up and rolling up some bunting, but did't see what.

5. Our English captain made some resistance. No guns were fired except to bring us to. The Quaker City made the capture. There was no other armed vessel in sight. The Quaker City had nine guns, counting the pivot gun on the forcastle.

54 6. The Quaker City is a gunboat of the United States. The Lilla was brought to Boston. I went to Key West and was sent thence to Boston.

7. Lilla, Liverpool, was on her stern. Applebee was the master I signed under. I did not know there was any other until after we got to sea. Lebby came on board in the river the next day after we [hauled] into the river, namely, the 15th of May. He took command after the steamboat left us. I heard him say he came from Charleston.

8. I don't know the tonnage of the brig. We had eight before the mast and the boy. There was steward and little boy in the cabin; and there were Lebby, Appelbee, Saunders, and the passenger. The crew were shipped by Captain Appelbee. I didn't know but what she was a regular English ship, or I wouldn't have gone in her.

9. I shipped for a voyage from Liverpool to Nassau and any port in the West Indies; the voyage not to exceed twelve months, and back to a port of discharge in the United Kingdom. I had not any interest in the vessel or cargo. I don't know whether any of the officers or crew had.

10. I never saw the vessel until I went on board on the thirteenth of May, 1862, in the afternoon. I don't know anything about her.

11. I know nothing except as already stated. I don't know what the cargo was, except I saw coils of rope on the top of the hold.

12 I don't know.

13. I don't know, except as already stated.

14. Frazier & Co. paid my advance note for wages, and I suppose owned the vessel. I know nothing further. Frazier & Co. do business in Liverpool.

15, 16, 17. I don't know.

18. I saw some papers carried on board the Quaker City. That is all I know.

19. I have said when and where the vessel was captured. I don't know of any charter-party.

20. I did not see any papers destroyed or thrown overboard. I know nothing about the papers.

21, 22. Nassau was not blockaded.

23. I don't know.

55 24, 25. I don't know.

26. I have lost my wages. I have received no promise of indemnity.

27, 28, 29, 30. I don't know.

31. I don't know.

32. Not to my knowledge.

33. Bulk was not broken during the voyage. I have not been on board the Lilla since her capture.

34. There was an old gentleman who belonged at Charleston on board as a passenger. I supposed at first that Lebby was a passenger, but when we got to sea he gave orders and took charge. He treated me very badly, and knocked me down. There were no persons concealed on board.

35. I don't know.

36. The vessel was on her course to Nassau, and had been so during the whole voyage.

37. I don't know.

38. Not to my knowledge.

39. I have said all I know or believe.

40. She did not sail with convoy.

41. I don't know of any such attempt. There was none on this voyage.

42. I don't know of any such commission. She was a merchant vessel.

43. Not to my knowledge.

44. We were not spoken nor boarded, nor did we board any vessel until the Quaker City boarded us.

THOMAS WRIGHT.

56 *Preparatory examination of Henry Ohlhaver, taken before John Lowell esq., prize commissioner, on the twenty-fifth day of July, A. D.* 1862.

Henry Ohlhaver, being duly sworn and examined upon the standing interrogatories, deposes as follows:

1. I was born near Hanover and am still a Hanoverian. I am not married.

2. I was on board the Lilla when she was taken.

3. She was taken July 3d off Hole in the Wall. She was a merchant vessel. I heard no reason given for taking her.

4. She sailed under English colors. I saw no others on board.

5. Captain Appelbee, the English captain, made some resistance. No guns were fired except one to bring us to. The Quaker City made the capture. There was no other vessel in sight.

6. The Quaker City, of nine guns, made the capture. The Lilla was brought to Boston.

7. "Lilla, Liverpool," was on the stern. The master was Lebby of Charleston, he took charge of the vessel outside of Liverpool, and was master during the entire voyage; he gave his commands to Appelbee every day, and Appelbee came forward and gave them to us.

8. I believe the Lilla measures two hundred and twenty-six tons. There were nine men before the mast, and Lebby and Applebee and the second mate, and the captain's boy and the cook and one passenger. The men were shipped at Liverpool at the Sailors' Home. They came aboard the fourteenth of May, and we sailed on the fifteenth. Appelbee shipped them.

9. I was seaman (able,) at £2 10. The voyage was from Liverpool to Nassau, and back to Liverpool. I had no interest in vessel or cargo and don't know who had.

10. I never sailed in the vessel before, and don't know where she was built, or what names she had had.

11. From Liverpool to Nassau and back. I know nothing about the cargo, excepting that there were a great many manilla ropes. She was loaded before I joined.

57 12. I don't know.

13. I don't know further than I have stated.

14. I don't know.

15. I don't know.

16. I don't know.

17. I don't know.

18. I know nothing about the papers, except that we signed English shipping articles at the Sailors' Home.

19. We were captured off Hole in the Wall, at about one o'clock in the afternoon of July 3d. I don't know of any charter-party.

20. I don't know.

21. We were bound to Nassau, which was not blockaded.
22. Nassau was not blockaded.
23. I don't know.
24. I don't know.
25. I don't know.
26. I have lost my wages and my time. I have received no promise of indemnity. I got only my advance of £2 10 in Liverpool.
27. I don't know.
28. I don't know.
29. I don't know.
30. I don't know.
31. I don't know.
32. I don't know.
33. Bulk was not broken during the voyage. Since the capture I have not been on board the Lilla. I was taken to Key West, and then sent to Boston.
34. There was one passenger on board the Lilla, an old gentleman with white hair. I don't know where he belonged, or what his business was.
35. I don't know.
36. She was steering for Nassau, and had been kept on the course from Liverpool to Nassau all the time.
37. I don't know.
38. I saw no guns. There were revolvers owned by the officers. I know nothing further.
58 39. I have said all I know or believe.
40. She did not sail with convoy.
41. She did not attempt to enter any blocked port on this voyage. I don't know about former voyages.
42. I don't know.
43. I don't know.
44. We were not spoken nor boarded, nor did we board any vessel until the Quaker City spoke us.

HENRI OHLHAVER.

Preparatory examination of Charles Appelbee, taken before John Lowell, esquire, prize commissioner, on the fourteenth day of July, A. D. 1862.

Charles Appelbee, being duly sworn and examined on the standing interrogatories, deposes as follows:

1. I was born in Berkshire, England, and now live in Liverpool, and have lived there for the last ten years. My family live there. I am a British subject.
2. I was.
3. The Lilla was taken about four miles from Abaco light. I was ordered to heave to, and I hove to, and sent my papers aboard the Quaker City. A file of marines was then sent and ordered me aboard the Quaker City. I refused, and they then compelled me by force of arms. They gave no reason. The Lilla was not a privateer. The brig was brought directly to Boston.
4. English colors. We had no other colors on board. There may be an old American flag on board, that she had when she was bought. I think there is.
5. When the officer came on board with his file of marines, he ordered me into the boat I said I should not go, and I drew a pistol out of my pocket, and said the first man that laid hold of me I would shoot him. The officer then ordered them to shoot me. I then retreated, and a soldier followed me,
59 and I gave myself up, and went into the boat. There were no guns fired,
except one to bring me to. The captured vessel was the merchant brig Lilla, and the capturing vessel the U. S. gunboat Quaker City. There was no other vessel in sight at the time.

6. I have been informed that the capturing vessel was the gunboat Quaker City, but do not know. The Lilla has been brought here.

7. The Lilla, of Liverpool. This was on her stern. I was her master. Mr. George Bushby appointed me. I have not known or seen this vessel until I was sent for to join her at Liverpool, about the beginning of May, 1862.

8. She is about two hundred thirty-five tons burden. She had eight men, a steward and boy, mate, and myself. The crew were from all countries. They all shipped in Liverpool. I shipped them all.

9. I shipped as master, and my agreement with my owners was to proceed to Nassau, discharge my cargo, and return to Liverpool. My wages were twelve pounds a month. Neither I nor any of the ship's company had any interest in the vessel or cargo.

10. I knew nothing of this vessel when I took her. She had only one mast in then, and I had her rigged to my liking. I know nothing else about her.

11. The voyage began at Liverpool, and was to Nassau and back. Her cargo was tin, saltpetre, sheet iron, boxes of tin. That is about all, except the drugs which Mr. Hewetson shipped. She was loaded at Liverpool, and I shipped the crew, and sailed as soon as she was loaded. We sailed May 15 or 16. I know of no contraband of war.

12. I don't know of any passport. The vessel did not touch anywhere during this voyage. I have already answered what the voyage was. I know nothing of previous voyages.

13. I have already answered this question, except as to the quantities of the cargo, which I do not recollect. The manifest will show.

14. The vessel was owned by Mr. R. G. Bushby, as I suppose. He appointed me master. I don't know who owned the goods. I suppose the bills of lading will show. Mr. Bushby is of Liverpool.

15. I know nothing baout this.

16. I suppose the shippers were Liverpool merchants. I have no personal knowledge of, or acquaintance with, any of them. I know nothing as to the ownership of the cargo.

60 17. There were twelve bills of lading given for the cargo, and I retained copies, which are with the papers in this case. There are always at Liverpool three sets of bills of lading, one of which is for the master. These are true copies, so far as I know, of the bills which I gave the shippers, and are true.

18. My copies of the bills of lading were on board, and are with the papers in this case. I gave to the capturing officer all my papers, articles, log-book, and all.

19. I have stated where the vessel was taken. She was not under charter.

20. There were no papers on board, that I had anything to do with, except what I gave up to the boarding officer. I do not know of any papers being torn, concealed, destroyed, or thrown overboard. I don't know of any papers except those I gave up.

21. Nassau was not blockaded.

22. Nassau was not blockaded.

23. I was not boarded by any one.

24. I do'nt know of any such attempt.

25. I don't know of any seizure except this one.

26. I lose my wages if the vessel is condemned. I have received no satisfaction nor the promise of any.

27. I think the vessel is insured, but do not know. I don't know about the insurance of the goods.

28. I know nothing about the cargo except what the papers show.

29. I have answered all I know about the cargo.

30. She was loaded in Liverpool from the wharf, in the usual way, (or dock, I should say,) in the day time.

31. I know of no papers but those I have given up.

32. No papers were carried away from the vessel before her capture, nor since, except by the proper officer.

33. Bulk has not been broken before or since the capture.

34. Mr. Hewetson was a passenger, and had some drugs. Mr. Libby was a passenger. He had no interest in the vessel or cargo. These were the only passengers.

35. All the papers that I know anything about are true and fair, and I do not know of any other papers anywhere.

61 36. She was sailing towards Nassau. I had steered so during the whole voyage. We were about four miles from Abaco, or Hole in the Wall; I don't know how far from Nassau, but I think about thirty miles.

37. I don't know.

38. There were no arms or ammunition on board. There was saltpetre.

39. I have said all I know or believe.

40. She did not sail with convoy.

41. She did not on this voyage. I would not undertake to enter a blockaded port. I have lived for a long time without committing any offence, and don't intend to begin now.

42. Not to my knowledge.

43. Not to my knowledge.

44. We spoke no vessel, and were not boarded until brought to by the Quaker City.

CHARLES APPELBEE.

Preparatory examination of Richard Harrington, taken before John Lowell, prize commissioner, on the twenty-fifth day of July, A. D. 1862.

Richard Harrington, being duly sworn and examined upon the standing interrogatories, deposes as follows:

1. I was born at Halifax, Nova Scotia. I am a British subject. Halifax is my home. I am not married.

2. I was on board the Lilla when she was captured.

3. She was taken off Hole in the Wall, on the 3d of July, 1862, by the steamship Quaker City. She was brought into Boston. I heard no reason given for the capture, only that she was a suspicious vessel bound to Nassau.

4. She sailed under English colors. She had southern colors on board, which I saw the captain throw overboard about the seventh or eighth of June last. It was Captain Libby that threw them over; I was at the wheel at the time. She had also Spanish and American colors on board.

62 5. Captain Appelbee made resistance, and they had to send a file of marines on board to take him out of her. The Quaker City fired one blank shot and we hove to. The Lilla was a merchant brig. The Quaker City was a gunboat of the United States, carrying nine guns. There was no other vessel in sight.

6. The Quaker City was a public armed ship of the United States. The Lilla was brought direct to Boston. I remained for some days on board the Quaker City, until transferred to the St. Lawrence, and sent to Key West, and thence to Boston, in the Rhode Island.

7. The "Lilla" of "Liverpool;" this was on her stern. Appelbee was master. We obeyed Captain Lebby as captain; I thought he was captain until about the nineteenth of June, when the mate said we were to obey him. The mate I refer to was Appelbee; he had acted as mate up to that time. Lebby lives in South Carolina, Appelbee in London or Liverpool.

8. I think her tonnage was two hundred and thirty tons; it was marked on the main hatch. There were nine of us in the forecastle, and the cook, and a boy, and the mate Appelbee, and second mate Saunders, and Captain Lebby, and a passenger. Seven of us and the second mate shipped at Liverpool. Lebby, and the cook, and the boy, and the passenger Hewetson, belonged to the vessel, and came in her from Charleston. We shipped at the Sailors' Home in Liverpool; Appelbee went up with us and shipped us.

9. I was able seaman, at £2 10 per month. The voyage was to Nassau and back to Europe. I know nothing about the cargo. She was ready for sea when I shipped in her. I have no interest in vessel or cargo; I don't know whether any of the officers or crew had any such interest.

10. I never saw the vessel until two days before I shipped in her, which was about the thirteenth of May. Don't know where she was built, nor what name she had been called.

11. She was bound to Nassau, and back to Europe. I don't know anything about her cargo, or when it was put on board. I have heard there was saltpetre on board. I saw a large quantity of rigging in the hold.

12. I don't know.

63 13. I don't know, except as above stated.

14. I believe Frazier & Co. were the owners of the vessel; I have heard so. I don't know about the cargo. I believe Frazier & Co. live, a part of them, in Liverpool, and a part in Charleston.

15. I don't know.

16, 17. I don't know.

18. I never saw the papers, excepting the shipping articles. I don't know what has become of them.

19. The Lilla was captured off Hole in the Wall, on the 3d of July, about 10 o'clock in the morning. I don't know of any charter-party.

20. I know nothing about the papers. I did not see any destroyed, concealed, or thrown overboard.

21. I knew that Charleston was blockaded, but not Nassau, where we were bound. We all knew this.

22. Nassau was not blockaded.

23, 24, 25. I don't know.

26. I have lost my wages and my time. The captain of the Quaker City told us that our wages would go on until the vessel was condemned and sold. That is all the promise I have had.

27, 28, 29, 30, 31, 32. I don't know.

33. No bulk was broken.

34. Mr. Hewetson, who lived at Charleston, was on board as a passenger. There were no others. We obeyed Lebby as captain. We did not consider him a passenger.

35. I don't know.

36. We were steering for Nassau, and had steered so during the whole voyage.

37. I don't know.

38. There were no guns or arms, to my knowledge, nor other things herein inquired of, except saltpetre and rigging.

39. I have said all I know.

40. She did not sail with convoy. I had no instructions concerning capture or escape from capture.

41. She did not attempt to enter any blockaded port on this voyage. I know nothing of former voyages.

64 42, 43. Not to my knowledge.

44. We were not spoken nor boarded until brought to by the Quaker City.

RICHARD HARRINGTON.

Preparatory examination of Dennis F. Gleason, taken before ,
prize commissioner, on the day of , A. D. 1862.

Dennis F. Gleason, being first duly sworn, answers to the standing interrogatories as follows:

1. My name is Dennis F. Gleason. I was born in Ireland. I now live, and for the last 12 years have lived, in Charleston, S. C. I was in the militia there for three weeks, in December last. I consider myself "a citizen of nowheres."

2. I was.

3. It was on July 3d, off Abaco light. The prize had not any privateer papers. I don't know any reason, unless it was for having contraband goods.

4. She sailed under English colors. There was a "confederate" flag. I heard there were two when we sailed, and that one was thrown overboard.

5. The captain (Appelbee) resisted, and drew a pistol. Then the U. S. officer ordered the marines to shoot him if he resisted, and they took away his revolver, and took him aboard. No guns were fired. There were no other U. S. ships in sight. The prize was a merchantman, and the captor a U. S. steamer.

6. ———.

7. The prize was called the "Lilla." On her stern was "Lilla, Liverpool." Appelbee called himself captain; but Lebby was really captain, from the time we left Liverpool until the "Quaker City" hove in sight. I never saw Appelbee before he came aboard in Liverpool. I have known Lebby a long time.
He is a Charleston man. I first saw the "Lilla" when we took her
65 with the privateer "Sally," either in October or November, 1861. I
was a mariner aboard the "Sally," which was fitted out in Charleston, and left there Sept. 29, and was towed down to N. Edisto, and lay there a week, and then ran out. Lebby was master of her. As I say, we took the "Lilla" off Abaco island, and sent her to Edisto. The "Lilla" was then called the "Betsey Ames, of Wells, Maine." When she ran out from Charleston to Liverpool, laden with cotton and tobacco, she was called the "Mary Wright." She ran out March 2d, and I went in her, Lebby being master.

8. She is some two or three hundred tons. Her crew was eight, besides me. They would not let me sign articles, because he wanted to keep my wages, and he did, and I had to go back in her or starve. There was a mate, second mate, cook, cabin boy, and captain—13 in all, and all aboard at capture. They are of several nations. They were shipped by Appelbee. They all shipped on May 13, at Liverpool.

9. I acted as foremast hand, tho' he would not let me sign articles, and gave me no pay. The voyage was from Liverpool to Nassau, and back to Liverpool. I don't think officers or crew had any interest in vessel or cargo.

10. (Fully answered; see seven.)

11. Her cargo was put on board in April and May in Liverpool. It was sulphur, saltpetre, lead, tin, sheet-iron, soap, rope, &c., and it was on board when she was seized.

12. When the privateer Sally took her she had provisions, &c., aboard, and a big boiler on deck. She was bound to the West Indies. From Charleston to Liverpool she took cotton and tobacco, and a large mail.

13. (Answered.)

14. Frazer, Trenholm & Co., of Liverpool and Charleston, owned her and her cargo when the Quaker City took her. The two houses have the same name in Liverpool and Charleston, and they owned her before she left Charleston.

15. I never heard that any bill of sale was given in Liverpool.

16. Cannot answer.

17. Cannot answer.

66 18. Cannot answer.

19. The vessel was not chartered, so far as I know.

20. I never saw any papers aboard. When I got on board the Quaker City I heard some had been thrown overboard, but I heard nothing of this while in the "Lilla."

21. The southern ports were blockaded, and Nassau was not.

22. Inapplicable.

23. Inapplicable.

24. See answer to seventh.

25. When the "Sally" took her into Charleston she was condemned by the admiralty court there.

26. I can't say I lost anything, but I have three months' pay due me, besides some £3 10 0 owing me when we got to Liverpool. I never had any indemnity promised.

27. Cannot answer.

28. The cargo was to have been carried from Nassau to Charleston in the steamer Scotia, which was getting ready in Liverpool to follow us to Nassau, and take Lebby and the cargo to Charleston. I heard Lebby say so on the voyage. The Scotia belonged to Frazer & Co.

29. Cannot answer.

30. The cargo was put aboard from the Liverpool quay, and by day.

31, 32. I know nothing of the papers and never saw any delivered.

33. Bulk was not broken.

34. Lebby cleared as passenger, but he was chief commander on board, and Appelbee was first mate. Hewetson was a passenger; he went from [Charleston] to Liverpool in her, carrying letters from the British consul. He had some medicines aboard. He was going back to Charleston in the "Scotia." No one was confined or concealed aboard.

35. Cannot answer.

36. I cannot answer, as I never took the wheel.

37. I don't know about her being sold in Liverpool. She went out of Liverpool for the same firm as sent her to Liverpool from Charleston.

38. We carried no guns. I have heard the captain had a lot of revolvers in his room—I mean that he was taking some to sell.

39. (*v.* 28.)

67 40. No.

41. (*v.* 7.)

42. No.

43. No.

44. We spoke a vessel in the channel, but none afterwards.

DENNIS F. GLEASON.

Examination of Julius Potent, upon special interrogatories, taken before John Lowell, esq., prize commissioner, at Boston, on the day of , A. D. 1862.

Julius Potent, being duly sworn and examined upon special interrogatories, proposed by the attorney of the United States:

Int. 1. What is your age, residence, and occupation, and how long have you followed your present calling?

Ans. I am thirty years old. My home is Denmark. I am a sailor; have been so for seventeen years.

Int. 2. Have you ever lived at Charleston, South Carolina; and if so, when and how long?

Ans. I have been in Charleston for the last four years up to the sixth of June last.

Int. 3. State all you know about the prize brig "Lilla," when and where she was built? When and where did you first see her, and what was her name at that time? What voyages has she made? Has she, or not, ever been captured or seized before the last voyage; and if so, when and where, and what was done with her?

Ans. I first saw the brig "Lilla" about seven years ago, going to the West Indies. She was then called the Betsey Ames, and was an hermaphrodite brig. She belonged at Wells, in the State of Maine. I afterwards saw her in North Edisto, South Carolina. She was brought in there as a prize to the confederate states soon after the battle of Port Royal. She was bought by John
68 Frazier & Co., and called, for a time, the "Mary Wright." She then took in cotton, and was bound for Liverpool. I shipped in her. Capt. Lebby commanded her and shipped me. I did not go in her, because I found a better chance.

Int. 4. Do you know Mr. Lebby, lately taken on board said brig? If so, state all you know concerning his occupation since the war began, and how you know it.

Ans. I know Mr. Lebby, lately captured on board the Lilla. I sailed with him some years ago. Since the war began he has commanded the privateer "Sally." I have seen him on board of her. He took this brig "Lilla," then called the "Betsey Ames," with his privateer. He also took the Grenada, an hermaphrodite brig belonging to New York, and he sunk two other vessels, a brig with lime and cement for Fort Taylor, and a barque with ammunition. I heard him say that he had done these things. I saw the two vessels brought in. The "Sally" belonged in Charleston.

JULIUS POTENT.

Deposition of Tolford Durham, sworn to at Boston on the twenty-ninth day of July, 1862, *before Arthur Dexter, esq., prize commissioner. (Taken upon special interrogatories.)*

Tolford Durham, being first duly sworn, answers to the following interrogatories, severally, as follows:

Int. 1. State your name, office, and rank in the navy of the U. S., and on board what ship you were serving on the 3d of July last.

Ans. My name is Tolford Durham. I am a volunteer acting master in the navy, and served at that time on board the U. S. steamship "Quaker City."

Int. 2. State the name of the prize, when and where first sighted, and by what vessel; what U. S. vessels were then in sight of the prize, or of each other.

69 Ans. The brig "Lilla," of Liverpool. We sighted her from the "Quaker City" just before noon on July 3d, 1862, in sight of Abaco light, she being some 12 miles from the light, and making for it. No other U. S. vessel was in sight of either prize or captor.

Int. 3. State the circumstances of the capture.

Ans. I took the deck at noon, and the prize was then as far ahead of us as we could see her. We headed for her. It came on to rain directly and we lost sight of her, but continued our course. We sighted her again, and again lost her in the rain—and, about an hour after first sighting her, it lifted, and we found we were pretty near to her, the two vessels heading for each other. She then bore away a trifle more towards Abaco. We fired a musket for her to heave to, and, as she didn't pay much attention to it, our captain hailed him, and told him to heave to or he should fire into him, and ordered our men to clear away the forward pivot gun. He then hove to and Master's Mate Livingstone was sent aboard to bring the captain and his papers on board of us. Livingston came back, and reported that he refused to come. Our captain ordered a first lieutenant to take a party of marines and go and fetch the captain aboard, and he did so. The man's name who came off as captain was Appleby. We had the name of the "Lilla" on our list as having run the blockade, or at least knew that the "Lilla" was the "Mary Wright," that had run the blockade. I was told to get ready to go in the prize as prize-master, and was sent right aboard to tack her off the shore. I saw Libby aboard of the prize, and asked him if he was mate, and I think he first said he was, but afterwards claimed to be a passenger. I had the captain's state-room searched, and found two loaded revolvers, making three with the one the captain carried. I sent these and six or seven of the crew on board the "Quaker City," and followed myself. I received from our commander, Frailey, the papers of the prize, sealed up, and directed to the prize commissioners of Boston, and received orders to take the prize to Boston. I did so, arriving in Boston July 13, and delivered the vessel, cargo, prisoners, and papers to the prize commissioners.

Int. 4. Can you state any facts tending to show whether the prize was or was not enemy's property, and whether or not there were on board goods contraband ?

70 Ans. I cannot.

Int. 5. State anything in your knowledge tending to show false, equivocal, or simulated papers on board, if any such there be.

Ans. About the time the prize hove to I saw a man come out of her companion-way and heave what looked like a package of papers over her stern. The package sunk at once. From where I stood to the man was not over fifty yards. I cannot say who the man was, though if I had a fair chance to look at him better I perhaps might recognize him. A deposition as to the fact of this destruction of papers, by throwing them overboard, was drawn up at the time, under Captain Frailey's direction. I signed it, among others, and I hereby refer to that, if necessary, as an exact statement of the facts. It is among the papers handed to the prize commissioners. [It is marked "A."]

Int. 6. Can you state any facts tending to show that the prize was bound to any other port than appears by her papers ?

Ans. I cannot.

Int. 7. Was there any attempt on her part to escape, after proper signals or notice ?

Ans. No, and for a very good reason ; she had no chance.

Int. 8. Do you know anything of any attempt or attention on the part of the prize to break the blockade ?

Ans. Hewitson, a passenger aboard, told me he had some drugs aboard, which were going to his son-in-law, a druggist in Charleston, S. C. He did not tell me how they were to get there. He told me that the prize had run the blockade from Charleston, and gone to Liverpool, on the 2d of March, and that he was in her then, and that she was then loaded with cotton. Lebby also told me this.

Int. 9. State any further facts known to you which may be of service either as showing prize or no prize.

Ans. I think I have stated all I can.

TOLFORD DURHAM,
Acting Master, U. S. N.

71 *Deposition of Lindley H. Livingston, sworn to at Boston on the twenty-ninth day of July,* 1862, *before Arthur Dexter, esq., prize commissioner. (Taken upon special interrogatories.)*

Lindley H. Livingston, being first duly sworn, answers to the following interrogatories, severally, as follows :

Int. 1. State your name, rank, and on board what ship you were serving on the 3d of July, 1862.

Ans. My name is Lindley H. Livingston. I am acting master's mate in the volunteer U. S. navy. I was then on board the U. S. steamer "Quaker City."

Int. 2. State the name of the prize, when and where first sighted, and by what vessel. What U. S. vessels were then in sight of the prize, or of each other?

Ans. The prize is the brig "Lilla." We sighted her from the "Quaker City" some time in the forenoon of July 3d, 1862. No other vessels were in sight. It was off the island of Abaco, ten or twelve miles from the island.

Int. 3. State all you know of the circumstances of the capture?

Ans. I was called from below about one o'clock p. m. to go aboard of the prize. Capt. Frailey ordered me to go and bring the master of the brig, and his papers, aboard of the "Quaker City." I went, and told the captain (Appleby) to take his papers and come. He refused, and said he would not leave his vessel unless he was taken out by force. I looked over his papers and took a memo. of his destination, &c., and then, finding he would not come without force, I went back to the "Quaker City" and reported the facts. The captain ordered the first lieut. to take an armed boat's crew, and a guard of marines, and go and bring the master off. He went, and brought the master; I met him as I was going back on board the prize, with my boat's crew armed. I remained in charge of the prize. While I was there a boat came from the steamer for the prize's papers, which had been left on board, and I sent the papers and log-book. Prize-master Durham came and relieved me, and I returned to the steamer and got ready to go in the prize. Capt. Fraily
72 ordered me to go in the prize, to assist Mr. Durham. I came to Boston in the prize, under the command of Mr. Durham.

Int. 4. Can you state any facts tending to show whether the prize or cargo was or was not enemy's property?

Ans. I can only state this: That Hewitson frequently said, in my hearing, that the drugs on board were intended for his son-in-law, a druggist of Charleston, S. C.

Int. 5. State whether there were contraband goods aboard?

Ans. I only know from the manifest, from which it appears that there is saltpetre, drugs, tin plate, zinc, &c.

Int. 6. Were there any false, equivocal, or simulated papers on board?

Ans. Not to my knowledge.

Int. 7. Was the real destination of the prize such as appears from her papers?

Ans. I cannot say.

Int. 8. Do you know of any secreting or destroying of papers?

Ans. Not of my own knowledge. I heard two of our men say they saw a packet of papers thrown overboard from the prize before we first boarded her.

Int. 9. Do you know whether she attempted or intended to break the blockade?

Ans. Besides what I have said in answer to interrogatory 4, I can only say that Lebby confessed repeatedly that he ran the blockade from Charleston with the "Lilla," with a cargo of cotton. He showed me a notice in a Liverpool paper of her arrival, under the name of the "Mary Wright."

Int. 10. What flags were aboard the prize?

Ans. She had the British flag flying. There was a bag of flags aboard, but I never overhauled them much. I saw an American flag.

Int. 11. State any other facts you deem important.

Ans. On the 5th day of July I found the log slate in Appleby's room, with a long entry on it. I have brought it to Boston, and delivered it to the prize commissioners. I made a copy of the entry at the time, and that copy I now deliver to the commissioner. [It is marked "B."] Libby occupied the best room in the ship, the one that would naturally be the captain's, the star-

73 board after state-room; and the chronometer was there. He also occupied the after part of the cabin, while Appleby and the man they called "the mate" were in the forward part. I noticed that the rigging had been newly overhauled, and one day spoke of it to Appleby, who said "he did most of that." I told him that was queer work for a "captain." He made no answer.

L. H. LIVINGSTON,
Acting Master's Mate, U. S. N.

Motion for order for further proof.

October 1st, 1862, filed in court.

UNITED STATES DISTRICT COURT,
District of Massachusetts, ss:

UNITED STATES
v.
BRIG LILLA AND CARGO.
} In admiralty. In prize.

And now comes into this honorable court C. G. Thomas, proctor for claimants of brig Lilla and cargo. And after the hearing *in preparatorio* moves this hon. court for an order for further proof, to enable him to procure the evidence to establish the fact, as the truth is, that R. G. Bushby is the true and lawful owner by fair purchase, bona fide, in good consideration, of the brig Lilla; and that the cargo was bona fide owned and shipped aboard said brig "Lilla," to be taken from Liverpool to Nassau, and nowhere else; and that said shippers, John Senior & Co., and Bushby & Co., and R. G. Bushby, and J. Perrin, Son & Co., and Henry Lafone, have ever been and still are the bona fide shippers and owners of the cargo, each in the proportion standing in their names in the freight list on file; and that they are all British subjects and residing in England, and that Barry D. Hewitson, also a British subject, is and ever has been since the shipment thereof the bona fide owner of the medicines, drugs and goods shipped by him through said Bushby on board said vessel, and that no part of said cargo was ever intended or attempted to be taken and carried
74 to any southern port in violation of any blockade or belligerent right of the United States. That said vessel was duly documented, manned and commanded, and sailed a British vessel, under the British flag, for Nassau, consigned to Messrs. Adderley & Co., of Nassau, to whom written instructions from said Bushby had been sent in reference to their assisting the captain in obtaining a return cargo, and that such request or instructions was actually received by said Adderly & Co. That the foregoing facts and statements he expects to prove by the depositions of said shippers of said cargo, and the owner of said brig and persons in their employ or connected with them in business in Liverpool; also by the deposition of members of the firm of said Adderly & Co., and other persons in their employ or connected with them in business in Nassau, or otherwise acquainted with the facts; and also by the testimony or depositions of Capt. Applebee, now in Boston, and Barry D. Hewitson, also now in Boston; also by the affidavit of George D. Harris, a member of the firm of Adderly & Co., carrying on business as general agents and commission merchants in Nassau, which affidavit I have in my possession, taken before B. L. Burnside, notary public in Nassau, whose official character as notary public is duly certified to by Samuel Whiting, U. S. consul.

C. G. THOMAS,
Proctor for brig "Lilla" and cargo.

Affidavit of Charles Appelbee.

October 1st, 1862, filed in court.

UNITED STATES DISTRICT COURT,
District of Massachusetts.

UNITED STATES
v. } In prize.
BRIG "LILLA" AND CARGO.

I, Charles Applebee, master of the brig "Lilla," on oath depose and say, that in the latter part of April last past, I was sent for at my house in Liverpool, by my last owner, Mr. Bowman, and was informed that he wanted to see 75 me at his office. I went to his office and he there spoke to me, that Mr. Bushby having bought a vessel, wanted a master, and that he, Mr. Bowman, had recommended me to him. He then gave me a note to go to Mr. Bushby's office, which note I took to Mr. Bushby's office, No. 10 Rumford Place. Mr. Bushby then told me that he had a vessel which he had lately bought, and by Mr. Bowman's recommendation he wished me to take command of her. My voyage was to be to Nassau and back, and my wages agreed for with Mr. Bushby was twelve pounds per month. I then went on board the vessel, the Lilla. She was in the dry dock undergoing repairs. This was about three days before her repairs were finished, and after completion of repairs I hauled her out of the dry dock into the King's dock, and employed riggers, and commenced getting the ship ready. My vessel was advertised by Mr. Bushby, for Nassau. I was instructed to receive the freight, as it was sent to the vessel, for Nassau. I did so, and signed receipts for the same, until my vessel was loaded; and then signed the vessel's usual bills of lading according to the receipts, on or about the 13th of May. I shipped my crew for the voyage to Nassau and back, at the Sailors' Home, where the seamen are shipped in Liverpool. Advance notes for the seamen's advance were, as usual, made out at the Sailors' Home, by the clerk there, and given to the seamen as they brought their things aboard and took their instructions to be on board at a certain time required. The seamen in Liverpool sign no receipts for their advance notes, only sign the articles. All the receipts they sign is for wages at the termination of the voyage, and that is drawn at the Sailors' Home, where they are all paid off and discharged. My crew being shipped and aboard, I hauled into the river about the 14th or 15th of May. That all my transactions were with Mr. Bushby, or his clerks, and I do not know of any other than Mr. Bushby as being owner of the vessel. My cargo I received as it was sent down to me to be put on board the vessel, and I signed the bills of lading according to my receipts, which the carman brought down for me to sign, as the freight was delivered, which is the usual practice. These receipts I signed were usually written memoranda, brought by the carmen, saying, Capt. will receive on board such and such goods, (or in some such language;) and when the cargo was all on board, I signed the bills of lading as they were made 76 out from these receipts for me to sign. These memoranda or receipts are usually brought to the owner's office where the bills of lading are signed; and in this case I signed the same at Mr. Bushby's office. The shipping articles were made out and filled out at the Sailors' Home, as is the practice in Liverpool. I have no knowledge of how the entry, which I first learned in court, came to be made on the articles, that Frazier & Co., were the managing owners.

That I received the vessel's papers at Mr. Bushby's office, and never read them before they were captured and taken away. I cleared the ship for Nassau, and received my letter of instruction for delivery of the cargo at Nassau, and I never knew of any other destination of the vessel or cargo.

As for Mr. Libby, I know nothing of him only that he was introduced to me as a passenger, by Mr. Bushby, to go in my vessel to Nassau, until after I had got to sea. Then I learned by his conversation that he was in command of the vessel on the passage out to Liverpool. That on the passage from Liverpool Mr. Libby did interfere with my duty, which caused words between us, and once, just before we were captured, which occasioned me to make the entry of the transaction on the slate, which was spoken of in the court by the district attorney, which was captured before it was entered into the log-book.

That it is true, I did stand watch, and for many years have stood my watch while in command of small vessels, where a second mate is not taken; as no second mate was shipped in this case. That I heard it read in court that I had said that I was not the captain on this voyage. But on my oath, I say that I never used any such language, and could not in truth say so, as I was master of this vessel, and acted as master.

CHARLES APPELBEE.

MASSACHUSETTS DISTRICT,
District Court of the United States, Oct. 1, 1862.

Then personally appeared before me said Appelbee, and made oath to the truth of the foregoing affidavit by him subscribed.

S. E. SPRAGUE, *Clerk.*

77 *Affidavit of Barry D. Hewitson.*

Oct. 1, 1862, filed in court.

UNITED STATES DISTRICT COURT,
District of Massachusetts.

UNITED STATES
v.
BRIG LILLA AND CARGO. } In prize.

I, Barry D. Hewitson, on oath depose and say, that I was born in Ireland, and am a British subject, and for many years have been a half-pay officer on the retired list of the British army; that being subject to the call of my country, I have been allowed to be abroad from my native country on leave of absence, and was last called home to my native country at the time of the Crimean war, and was then placed on the half-pay retired list, and I then returned to visit Charleston, S. C., where I remained up to the time of my last leaving for my native home, in the brig "Mary Wright," on the 2d day of March last. That I was boarding with my son-in-law, Dr. Phin, in Charleston, a druggist, with whom I boarded, and paid for my board. That I heard the counsel read in court my deposition, stating that I was interested with him; that he kept a druggist shop. But if such language was used by me before the commissioner, while giving my deposition, I did mean only that I was interested with him as being my son-in-law; not that I was interested in the profits of his store, as I never had, directly or indirectly, any pecuniary interest in his store. I never received any part of the profits nor shared in any of the losses of said business, and never had any interest in it further than his being my son-in-law. That I never heard of said vessel until I took my passage in her for Liverpool, and never knew Capt. Libby until the day I engaged my passage for Liverpool. That I was at the time entirely dependent on my remittances from Ireland for my support, not having either then or now any property in Charleston. And

it being impossible for me to get any remittance, it became necessary for me to go home to Ireland, where all the property I have is situate, and to enable me
to get my half-pay. That I tried through the consul to get permission
78 to go home through the north, which could not be procured, and there
was no way open for me except the way I took; and the vessel proceeded directly to Liverpool, and there arrived on the 2d day of April. That I had no connection whatever with Capt. Libby or the vessel or cargo on the voyage out except that of being a passenger. That on arrival at Liverpool I proceeded directly to Ireland, and after being there some time I saw by the papers that New Orleans had been taken and the port opened, and that Charleston was expected to be taken before arrival of the next mail, and having transacted my business and visited my brother, an Episcopal clergyman there, I then prepared to return to Liverpool, on learning that a steamer was going from Liverpool to Nassau. I went to Liverpool, and went to the office of Trenholm, Frazier & Co., who were the owners of the steamer called the "Julia Usher," to ask them for a passage to Nassau and freight for some medicines I proposed to take to Nassau, expecting that the port of Charleston would soon be opened, and to remain at Nassau until it should be opened. They told me that the steamer was entirely filled, and that they could not give me either passage or freight. Then I said to them, "Can you give me freight in the Mary Wright?" and their answer was "No;" that they had sold her, and she was now called the Lilla, but that they would see the gentleman who could tell if it could be taken, and told me to come back at two o'clock p. m. I accordingly went back, and they said I could get taken in the Lilla, and directed me to send the things to the Lilla, lying at the King's or Queen's dock, I don't recollect which, and I so directed the druggist to send them down. When the vessel was loaded I went on board and received my bills of lading, I think, from Capt. Appleby, signed by Capt. Appleby, which I now have, and am ready to exhibit to the court. I insured the same against sea risks, but not against capture, as I never intended to expose it to capture, but, on my oath, I say it was my intention to keep the same at Nassau until it became lawful to take the same to Charleston. And on my oath I say that I have no information, knowledge or belief that the vessel or cargo was destined for any other place than Nassau. And I have no knowledge or belief that there was any arrangement by the owners of the vessel and cargo that the same or any part thereof, should be
taken from Nassau to any southern port. I never heard what was to
79 become of the cargo after it should be taken to Nassau.

BARRY D. HEWETSON.

MASS. DISTRICT, *ss:*
District Court of the United States, Oct. 1, 1862.

Then personally appeared before me said Barry D. Hewetson, and made oath to the truth of the foregoing affidavit by him subscribed.

S. E. SPRAGUE, *Clerk.*

Affidavit of C. G. Thomas.

Oct. 1, 1862, filed in court.

UNITED STATES DISTRICT COURT,
District of Massachusetts.

UNITED STATES
v. } In prize.
BRIG LILLA AND CARGO.

I, C. G. Thomas, proctor for claimants of brig "Lilla" and cargo, on oath depose and say, that soon after I was retained as counsel for brig Lilla and cargo, I wrote to R. G. Bushby, informing him that Capt. Applebee and the

British consul had retained me as counsel in behalf of his vessel, the Lilla and cargo, informing him that the papers belonging to the vessel were, according to the custom in prize cases, sealed up in court, and, as I supposed, could not be opened till the hearing of the cause. I asked him if the vessel and cargo were in fact bound to Nassau, and if his vessel was duly documented and his papers in order on board, and I received an answer from him stating that the vessel was intended for Nassau, and Nassau only, and that the papers were in order, made out in the usual manner, and that the vessel was bound to Nassau, where she was to discharge her cargo, and be supplied by a homeward freight by Messrs. Adderly & Co. That this letter was dated the 23d of August, 1862, and not having been answered by me I received another from said Bushby,
dated 6th September, 1862, enclosing a copy of said Bushby's letter
80 addressed to Henry Adderly & Co., in reference to the cargo of said
brig Lilla, and their assisting the captain to obtain a return cargo, all
which letters I have now in my possession.

C. G. THOMAS,
Proctor for brig Lilla and cargo,

MASSACHUSETTS DISTRICT,
District Court of the United States, Oct. 1, 1862.

Then personally appeared before me, said C. G. Thomas, and made oath to the truth of the foregoing affidavit by him subscribed.

S. E. SPRAGUE, *Clerk.*

Affidavit of Barry D. Hewetson.

Oct. 14th, 1862, filed in court.

UNITED STATES DISTRICT COURT,
District of Massachusetts.

In prize.—In the matter of the brig "Lillie."

I, Barry D. Hewetson, late passenger on board said brig "Lillie," on oath depose and say, that I have never taken any part on either side in the war or rebellion now raging in the United States; have never tendered any assistance, directly or indirectly, to either party; that during all the time I have been in the U. S. and long before, I have been holding a commission under the British crown, and am now on the retired half-pay list; that I have now a son at service in the north, in command of a vessel called the Sea Lion, sailing from Boston, but I believe owned wholly or in part in Bath, or some other eastern port.

BARRY D. HEWETSON.

UNITED STATES DISTRICT COURT,
Massachusetts, ss., Oct. 13, 1862.

Sworn to before me.

S. E. SPRAGUE, *Clerk.*

81 *Agreement for sale of brig and cargo.*

Oct. 14, 1862, filed.

The brig "Lilla" and cargo.

It agreed that an interlocutory order for the sale of the brig and cargo may be entered as of October 14, 1862.

R. H. DANA, JR., *For captors.*
F. C. LORING,
For Maxwell and others, claimants of vessel.
C. G. THOMAS,
For Bushby & als., claimants of vessel and cargo.

Warrants for sale of brig "Lilla" and balance of her cargo.

Then on the fourteenth day of October, A. D. 1862, in pursuance of the agreement of parties, as before stated, by order of court, a warrant issued commanding the marshal to sell the brig "Lilla," and the balance of her cargo, to the highest bidder, at public auction, at Boston, within said district of Massachusetts, on the twenty-second day of November, A. D. 1862, at twelve o'clock, noon, first giving six days' notice, at least, of the time and place of sale, by advertising the same in the Daily Advertiser and the Boston Post, two of the newspapers printed at Boston, and by proclamation of the town crier, in the usual form, on the day of sale. And the gross proceeds of said sale to be forthwith deposited with the assistant treasurer of the United States, at Boston, to be disposed of as the law in this case directs. And to make due return of his doings herein.

On which warrant the marshal made the following return, videlicet:

82 UNITED STATES OF AMERICA,
District of Massachusetts, Boston, November 22, 1862.

Pursuant to this receipt, I have caused the brig "Lilla," and balance of cargo, within named, to be sold by public auction, and to the highest bidder, at on the day, hour, and place therein directed, having given six days' previous notice of the time, place, and manner of the sale, in the Daily Advertiser and the Boston Post, two of the newspapers printed in Boston, and by the town crier, on the day of sale, and at such sale the purchasers were as under:

Samuel Knight,

Brig "Lilla"	$9, 225 00
Balance cargo, as per schedule annexed........	18, 241 85
	$27, 466 85

And I deposited the gross proceeds of said sale with the assistant treasurer of the United States at Boston.

JOHN S. KEYES, *U. S. Marshal.*

Schedule annexed to return of warrant of sale of balance of cargo of brig Lilla.

	1037	bales cordage,	51, 007	*a* 6¼	H. H. Faxon	$3, 187 94
	100	" "	4, 936	" 7½	do.	370 30
	6	" white bags,	4, 200	" 13½	Winslow & Co......	567 00
	6	" twine,	458 lbs,	" 14	Churchill	64 12
	7	" canvas bags,	5, 100 "	" 17	Sewell, Day & Co...	867 00
	3	cases leather	1 sheep, goat, 8 white skins, 199 lbs.	*a* 70	E. A. Hammond.....	186 00
			1 calf skins, 325 lbs..	" 90	Barret.............	729 62
			1 enamelled leather, 361 lbs.	*a* 82	J. Murphy..........	364 50
	8 1	rolls iron wire, " " "	2, 489 lbs.	*a* 23½	Churchill	87 12
	118	blocks tin,	3, 444 "	" 21½	do.	740 46
83	4	cases sheet copper,	2, 331 lbs.	*a* 20,	Churchill,........	466 20
	3	do. sheet zinc,	1, 980 "	" 6½	do.	127 70
	1 2	cask ingots tin, kegs do do.	2, 280 "	" 27	do.	615 60
	26	casks spelter,	440 "	" 6½	Faxon	28 60

80	boxes tin plates,		" 8 75	W. G. Lewis........	700	00
200	" " "		" 8 25	do.	1,650	00
100	" " "		" 8 75	do.	875	00
190	" " "		" 7 50	S. G. Allen	1,425	00
128 60	b'dls sheet iron, do gross,	23,546 "	" $3\frac{7}{8}$	do.	912	43
11	kegs drugs, soda,	1,179 "	" $3\frac{1}{4}$	Faxon	38	32
		454 "	$3\frac{1}{4}$	"	15	19
7	pigs lead,	709 "	" $6\frac{1}{2}$	W. G. Lewis........	46	08
12	ingots tin,	338 "	" 25	Churchill	84	50
1	small box drugs,			"	2	50
9	cases drugs, $85 00, 12 50, 72 50, 50 00, 20 00, 13 00, 12 50, 12 00, 50 00, 22 50,			Weeks & Potter, ...	337	50
1	case glass,			Churchill....		50
10	cases castor oil, 202 galls., $1 33				268	66
1	cask drugs, 49 lbs. camphor,		$92\frac{1}{2}$	Austin & Andrews ..	45	33
3	bbls " $25 10, 6 60, 5 22,			Faxon	34	92
1	keg " 114 lbs. cream tartar,		$3\frac{1}{2}$	Austin & Andrews,..	35	91
1	cask brass wire and crucibles,			Faxon	12	50
153	bundles steel,	17,014 lbs.	$6\frac{1}{4}$	Churchill	1,063	37
100	plates spelter,	2,468 "	5	W. G. Lewis........	123	40
597	boxes soap,	31,044 "	$6\frac{3}{8}$	A. Davis	1,979	06
1	new hawser,	750 "	$6\frac{1}{2}$	Low & Co	49	14
$5\frac{1}{2}$	bbls. beef,		$8 $87\frac{1}{2}$	Sprague, Soule & Co.	44	38
6	" pork,		8 25	Churchill.......	49	50
8	" ship bread			Faxon	9	00
1	" oatmeal.			Churchill..........	3	75
$\frac{1}{2}$	" split peas,			"	1	00
1	bag coffee, 115 lbs., 19....................................				21	85
1	bbl. vinegar, and 1 bbl. molasses			Faxon	11	00
					$18,241	85

84 *Decree of condemnation and restitution.*

Brig "Lilla" and cargo, in a cause of prize.

The claim of Richard G. Bushby to the vessel.
The claim of R. G. Bushby and others to portions of the cargo.
The claim of Barak Maxfield and others to the vessel.

On this fourteenth day of October, in the year eighteen hundred and sixty-two, the evidence in the cause, and on the above claims, and the counsel for the United States and for the captors, and the counsel for the claimants having been heard, and the evidence and arguments having been fully considered, and it appearing to the court that the said brig and her cargo were captured on the high seas, on the third day of July last past, by the United States gunboat "Quaker City." And it further appearing that at the time of the capture the said R. G. Bushby was not the actual owner of said brig, but that any apparent title he held was for the benefit of persons residing permanently within the territory of enemies of the United States. And it further appearing that the said brig was the property of Barak Maxfield and Richard C. Bartlett, claimants aforesaid, permanently residing in Wells, in the State of Maine, and that the said Maxfield and Bartlett, owners as aforesaid, have never parted with their title to said vessel, and have never been divested thereof by any competent authority, and that any apparent title thereto, in said R. G. Bushby, is void. And it further ap-

pearing that the said R. G. Bushby, the claimant, did fraudulently take out and use, or permit to be taken out and used, a register, in the name of himself, as owner of said brig, but for the benefit of persons who are to be deemed enemies of the United States, for the purpose of deceiving the cruisers of the United States; and that the said R. G. Bushby did put on board, or allow to be put on board, one Charles Applebee, a British subject, residing in Great Britain, with the intent that he should be held out as the master of said brig, and that he was so held out in all the usual documents on board said brig, when, in fact, the master was one Henry S. Lebby, a resident of the State of South Carolina, who had been engaged in hostility against the United States, and that said putting on board, and holding out, were fraudulent, and for the pur-
85 pose of deceiving the cruisers of the United States:

It is ordered, adjudged, and decreed, that the claim of the said Richard G. Bushby be dismissed, and that the claim of the said Barak Maxfield and Richard C. Bartlett be allowed.

And it further appearing, that said brig had been taken from the possession of the said Maxfield and Bartlett, by the officers and crew of an armed vessel called the Sally, commanded by the said Henry S. Lebby, acting as a privateer, under the direction and control of enemies of the United States; and that the said brig was captured from the possession of persons who held under and for the benefit of enemies of the United States, by the officers and crew of the United States gunboat Quaker City: It is further ordered, adjudged, and decreed, that the said brig be restored to the said Barak Maxfield and Richard C. Bartlett, upon the payment by them to the captors of the sum of one thousand one hundred and fifty-three dollars as salvage, and the further sum of as costs, and expenses incurred by the captors on account of said brig.

And it further appearing, that a portion of the cargo of said brig, to wit, eleven kegs, nineteen cases, three barrels, one other keg, one cask, and one box of medicines, and one case of glass, were, at the time of the capture, the property of one Barry D. Hewetson, who was then and for a long time has been a permanent resident in Charleston, in the State of South Carolina; and it further appearing that said Charleston was, and now is, a part of the territory of the enemies of the United States, and that the same are to be deemed and held to be property of an enemy of the United States: It is ordered, adjudged, and decreed, that the same be condemned as good and lawful prize.

And it further appearing that the rest of the cargo was not the property of R. G. Bushby & Co., of Liverpool, in England, at the time of the capture aforesaid, and that any title they apparently had thereto was for the benefit of persons permanently residing in the territory of enemies of the United States, and was used for the purpose of deceiving the cruisers of the United States; and it further appearing that the said remainder of the cargo, claimed by said R. G. Bushby & Co., was the property of certain persons permanently residing in the territory of enemies of the United States, and that the same is to be
86 deemed and held to be the property of the enemies of the United States, and liable to capture and condemnation as such: It is ordered, adjudged and decreed, that the same be condemned as good and lawful prize.

P. SPRAGUE,
Judge of the United States for the district of Massachusetts.

Decree of distribution.

The brig "Lilla" and her cargo, in a cause of prize.

Decree.

A decree having been made in this cause condemning the cargo of said brig Lilla as lawful prize, and restoring the vessel to Barak Maxfield and Richard C. Bartlett, upon the payment by them to the captors of eleven hundred and fifty-three dollars as salvage, and the further sum of six hundred seventy-three dollars and fifty-nine cents as costs, and expenses incurred by the captors on account of said brig; and the evidence requisite for a decree of distribution having been taken, and all the evidence having been fully considered, and it appearing to this court that the prize was taken by the United States gunboat "Quaker City," on the third day of July, in the year eighteen hundred and sixty-two, and that the prize was of inferior force to the vessel making the capture, and that no other public vessel of the United States was in sight or within signal distance at the time of the capture aforesaid: It is, on this fourteenth day of October, in the year eighteen hundred and sixty-two, ordered, adjudged and decreed, that the gunboat "Quaker City," and no other public ship of the United States, is entitled to share in the prize; and that the prize was of inferior force to the vessel making the capture.

87 And it further appearing, that by an interlocutory decree of this court, made by the consent of all parties, the said vessel was sold, and the gross proceeds thereof, in the sum of nine thousand two hundred and twenty-five dollars, were deposited by the marshal with an assistant treasurer of the United States: It is further ordered, adjudged and decreed, that there be paid therefrom the said sum of one thousand one hundred and fifty-three dollars, as salvage, and the said sum of six hundred and seventy-three dollars and fifty-five cents as costs and expenses, to the following persons, respectively:

To Richard H. Dana, jr., esq., counsel for the captors, forty-seven dollars and twenty-five cents. Seth E. Sprague, esq., the clerk, nine dollars and eighty cents.

John Lowell and Arthur Dexter, esquires, prize commissioners, fifty-one dollars and ten cents.

John S. Keyes, esq., the marshal, five hundred sixty-five dollars and forty cents.

And that the residue, being the sum of seven thousand three hundred and ninety-eight dollars and forty-five cents, be paid to the said Barak Maxfield and Richard C. Bartlett. And it further appearing that the gross proceeds of the sale of the cargo of said brig, in the sum of fifty-three thousand nine hundred and nine dollars and ninety-five cents, have been deposited by the marshal with an assistant treasurer of the United States, it is further ordered, adjudged and decreed that there be paid therefrom the following sums to the following persons respectively, to wit:

To Richard H. Dana, jr., esq., as counsel for the United States and the captors, two hundred and ninety dollars and twenty-five cents.

To John S. Keyes, esq., the marshal, twenty-eight hundred and sixty-one dollars and fifteen cents.

To Seth E. Sprague, esq., the clerk, sixty dollars and twenty cents.

To John Lowell and Arthur Dexter, esquires, prize commissioners, two hundred sixty-three dollars and ninety cents.

To Erastus Sampson, esq., prize commissioner, fifty dollars.

To Julius Potent, a witness detained by the prize commissioners, fifty
88 dollars.

And that the residue, to wit, the sum of fifty thousand three hundred and thirty-four dollars and forty-five cents, be paid over and distributed one-half to the United States and one-half to the captors.

P. SPRAGUE,
Judge of the United States for the district of Massachusetts.

Claim of appeal.

October 25th, 1862, filed in clerk's office.

UNITED STATES OF AMERICA,
District of Massachusetts.

UNITED STATES
vs.
BRIG "LILLA" AND CARGO. } In prize.

And now come John Senior & Co., and Bushby & Co., and R. G. Bushby and J. Perren, Son & Co., and Henry Lafone and Barray D. Hewetson, who claim each a certain part of the carge of the brig "Lilla," and R. G. Bushby, who claims the brig Lilla, and appeal from the decree of the district court, dismissing their respective claims, and also dismissing their motion for further proof, and pray that the same may be allowed.

By their proctor,

C. G. THOMAS.

And the court allowed an appeal accordingly.

UNITED STATES OF AMERICA,
Massachusetts District, ss:

I, Seth E. Sprague, clerk of the district court of the United States for the district of Massachusetts, hereby certify that the foregoing is a true transcript from the records of this court.

In witness whereof, I have hereunto signed my name and affixed the seal of said district court at Boston, this tenth day of February, in the year [SEAL.] of our Lord 1863, and of the independence of the said United States the eighty-seventh.

S. E. SPRAGUE, *Clerk.*

88½ This appeal was entered at the May term of this court, A. D. 1863, and was then set down for hearing; Sidney Bartlett and Charles G. Thomas appearing for the appellants, and Richard H. Dana, jr., attorney of the United States, for the libellants; and the same was fully heard, (to wit, June eighth and ninth,) and at the time of the said hearing the following claim was filed, viz:

Circuit court of the United States, first circuit.

UNITED STATES
vs.
BRIG LILLA AND CARGO. } *See* prize.

To the honorable the judges of the circuit court of the United States for the district of Massachusetts:

Francis Lousada, her Britannic Majesty's consul for the States of Massachusetts and Rhode Island, in said district, intervening for the interest of John R. Armstrong, of Liverpool, England, and of Frazier, Trenholm, and all other members of the commercial house of Frazier, Trenholm & Company, doing business at said Liverpool, appears before this honorable court and claims the following goods and merchandise, forming part of the cargo of said brig Lilla, to wit: thirteen hundred and thirty-six bags of saltpetre, as the absolute property of said commercial house, and he states that the said Frazier, Trenholm & Company were at the time of the shipment thereof on said voyage, and have ever since been, the true and lawful owners, in their own right, of said goods and merchandise; and therefore he prays that this honorable court will be pleased to decree a restitution of all said goods and merchandise to the said Frazier, Trenholm & Company, and otherwise right and justice to administer in the premises.

FRANCIS LOUSADA, *H. B. M. Consul.*

88¾ UNITED STATES OF AMERICA,
District of Massachusetts, Boston, June 4, A. D. 1863.

Subscribed and sworn to by Francis Lousada, the aforesaid affiant, before me.
C. W. TUTTLE,
Commissioner of the U. S. circuit court, Mass. district.

And the following motion for leave to take further proof was presented to the court in behalf of the appellants, together with the following affidavit relative thereto:

Circuit court of the United States, first circuit.

UNITED STATES
vs.
BRIG LILLA AND CARGO. } In prize.

To the honorable the judge of the circuit court of the United States for the district of Massachusetts:

And now comes her Britannic Majesty's consul, Francis Lousada, and moves the court here in behalf of the mercantile house of Frazier, Trenholm & Co., claimants, for an order for further proof in the cause, to enable him to procure the evidence to establish the following facts, as he believes the truth to be, to wit:

First. That the goods and merchandise described in the claim filed by him for said mercantile house were, at the time of shipment in said brig, the sole property of said claimants, and will if restored belong to them, and that the same were shipped on board said brig by the house of Bushby & Company, as the agents merely of said claimants.

Second. That said claimants were a mercantile house, duly established at Liverpool, England, and there transacting business at the time of the shipment
of said goods by the "Lilla," of which house John R. Armstrong, a
88 British subject, then and now a resident at Liverpool, was a member,
and that said goods and merchandise were lawfully shipped, to be transported from Liverpool to Nassau, to be there delivered.

Third. That said mercantile house of Frazier, Trenholm & Company was a distinct and separate commercial house from the house of John Frazer & Company, of Charleston, not composed of the same members, neither house having as a partnership any interest in the profits or losses of the other, and that the goods and merchandise mentioned in said claim are not liable to be condemned in this court as enemy's property.

And your petitioner further represents that the reason for delay in filing the claim for the said goods and merchandise by the said Frazier, Trenholm &

Company, is that your petitioner, who has hitherto acted and advised in behalf of the claimants, has always, until within the last week, understood and believed that a claim therefor in proper form had been duly made in his name, or that of the master of said brig, under which the rights and interests of said claimants could be completely tried and vindicated; and that he has now learned for the first time that such is not the fact, and that a claim in behalf of said house of Frazier, Trenholm & Company is necessary to be filed to protect their interest, of which fact he promptly advised them by the British and North American royal mail steamer which sailed on the thirteenth day of May last; and he has reason to believe that if further proof be allowed, all said facts can be established, together with other facts connected with said shipment, which will show that said merchandise was at the time of shipment, and has ever since been, the property of said firm of Frazier, Trenholm & Company, shipped upon a bona fide voyage, and not subject to condemnation in this court as enemy's property, or for any other reason.

FRANCIS LOUSADA, *H. B. M. Consul.*

UNITED STATES OF AMERICA,
District of Massachusetts, Boston, June 4, *A. D.* 1863.

Then personally appeared the within named affiant, Francis Lousada, and made oath that the within affidavit by him subscribed is true.

Before me,

C. W. TUTTLE,
Commissioner of the U. S. Circuit Court, Mass. district.

Teste affidavit.

I, Francis Lousada, her Britannic Majesty's consul for the States of Massachusetts and Rhode Island, on oath depose and say, that I have been informed and believe that the mercantile house of Frazier, Trenholm & Company is, and has been for some time, established and doing business in Liverpool, England. That although the names of all the partners in said house are not known to me, yet I am informed and believe that John R. Armstrong, a native citizen and subject of the Queen of Great Britain and Ireland, is a member of said commercial house, and is, and for a long time has been, a resident of said Liverpool, and was such member and so resident when the goods and merchandise described in the claim filed by me, said Francis Lousada, in this cause, were shipped on board the said brig "Lilla." That the residence of each of the other members of said mercantile house is not known to me; that I am informed and believe that said goods and merchandise, although shipped by the house of Bushby & Company, of which house R. G. Bushby, the owner of said ship, was, as I believe, a member, yet that the said goods and merchandise were so shipped by said Bushby & Company as the agents of the mercantile house of Frazier, Trenholm and Company, and that the property and title to such goods and merchandise was at the time of the shipment thereof, and continued to be, in the said Frazier, Trenholm & Company, and that the said goods and merchandise will, if restored, belong to them; that said goods and merchandise, thus shipped, were by the terms of the bills of lading, and in fact, to be transported from Liverpool to the port of Nassau, both which ports are within the British dominions, and to be unladen from said brig and delivered to the agents of said Frazier, Trenholm & Co., at said Nassau, and not to be transported in said vessel to any other port or place whatever; that I am informed and believe that said mercantile house of said Frazier, Trenholm & Company is a distinct and separate commercial house from the house of John Frazer and Company, of

89 Charleston, South Carolina, and that said Armstrong has never, at any time, been in any way connected with the house of John Frazer and Company, of Charleston, as a member thereof.

FRANCIS LOUSADA, *H. B. M. Consul.*

UNITED STATES OF AMERICA,
District of Massachusetts, Boston, June 4, A. D. 1863.

Then personally appeared Francis Lousada, and made oath that the foregoing affidavit by him subscribed is true.

Before me,

C. W. TUTTLE,
Commissioner of the U. S. Circuit Court, Mass. district.

The cause was then fully argued by counsel, and was thence continued to this present term; and now the following decrees are entered, namely, to wit: Dec. 4.

The brig Lilla and cargo, in a cause of prize.

R. G. Bushby, claimant of the vessel.

This appeal came on to be heard at the last May term of this court, when the United States, the captors and the claimants, respectively, appeared by their proctors, and the cause was fully argued by counsel; and now, after mature deliberation thereon had, it is here ordered, adjudged, and decreed by the court that the decree of the circuit court, so far as relates to the claim of R. G. Bushby to the vessel, be, and the same hereby is, affirmed, and that the said claim be, and the same is hereby, dismissed, and that the said brig Lilla, her tackle, apparel, and furniture, be restored to the claimants, Barak Maxwell and Richard C. Bartlett, upon the payment by them to the captors of the sum of one thousand one hundred and fifty-three dollars as salvage, and the further sum of twenty dollars as costs and expenses incurred by the captors on account of said brig; and that the United States and the captors recover against the said R. G. Bushby, claimant, their costs of court, taxed at the sum of twenty dollars; and if the same be not paid within ten days after demand thereof made upon them or their proctors, then and in such case execution to issue against the stipulators therefor.

89½ *The brig Lilla and cargo, in a cause of prize.*

R. G. Bushby and others, claimants of the cargo.

This appeal came on for hearing at the last May term of this court, when the United States, the captors and the claimants, severally appeared by their proctors, and the cause was fully argued by counsel; and now, after mature deliberation thereon had, it is here ordered, adjudged, and decreed by this court that the decree of the district court, so far as relates to the claimants of the cargo of said brig, be, and the same is hereby, affirmed, and the said claims be, and the same hereby are, dismissed, and that the said cargo be, and the same hereby is, condemned as good and lawful prize, and that the United States and the captors recover against the claimants, John Senior & Company, Bushby & Co., R. G. Bushby, J. Perrin and Son & Co., Henry Lafone and Barry D. Hewitson, claimants, and R. G. Bushby, their costs of court, taxed at the sum of twenty dollars; and if the said costs be not paid within ten days after demand on them or on their proctors therefor, then and in such case execution is to issue against the stipulators therefor.

Whereupon the following claims of appeal are filed in open court:

The United States in a cause of prize vs. *brig Lilla and cargo.*

And now comes R. G. Bushby, claimant of said brig, in the above-entitled cause, and feeling aggrieved by the final decree in this cause, he claims an appeal from the decree dismissing said claimant's claim, and also from the decree disallowing further proof, to the Supreme Court of the United States, and is ready to give security to prosecute said appeal with effect.

By his proctors—

SIDNEY BARTLETT.
C. G. THOMAS.

The United States in the cause of prize vs. *brig Lilla and cargo.*

And now come Frazier, Trenholm & Co., and others, the claimants of the cargo in the above-entitled cause, and feeling aggrieved by the final decree in this cause, they claim an appeal from the decree dismissing said claimant's claim, and also from the decree disallowing further proof, to the Supreme Court of the United States, and they are ready to give security to prosecute said appeal with effect.

By their proctor—

C. G. THOMAS.

And said appellants give good and sufficient security to prosecute their said appeals with effect, and to pay all damages and costs in case they shall fail to make the same good; and the said appeals are accordingly allowed by the court.

A true record. Attest.

H. W. FULLER, *Clerk.*

UNITED STATES OF AMERICA,
Massachusetts District, ss:

I, Henry W. Fuller, clerk of the circuit court of the United States for the first circuit, Massachusetts district, do hereby certify that the foregoing is a true copy of the record and of all proceedings in the cause of the United States, libellants, in a cause of prize, against the brig Lilla and cargo, in this court determined, including all the evidence filed therein, copies of the exhibits filed being annexed hereto and transmitted herewith.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of said court, at Boston, in said district, this twenty-second day of [L. S.] December, in the year of our Lord one thousand eight hundred and sixty-three, and of the independence of the United States the eighty-eighth.

Attest.

H. W. FULLER, *Clerk.*

89½

EXHIBIT B.

[Copy.]

THURSDAY, 3*d*, 1862.

Commence moderate breezes, with fine weather; all drawing sail set.

At 4 a. m., I, Charles Appelby, having the middle watch, had called the starboard watch. It was a little squally, a little more wind with rain. Captain Libby came on deck cursing and swearing, says, stand by the royal haulyards. I answered him, saying I was there. I sent a man to each. He, Captain Libby, then ordered the royals to be taken in, and called out, where was that other watch. I told him they were all there. Clewed down top-g. sails; when down, I told my watch to stop on deck until they were ordered below. There being no wind to speak of in the squall, he, Captain Libby, called out to set the top-gallant sails, which I called all hands to hoist. He, Captain Libby, then commenced, You damned old fool, who wants all hands? I told him, You do; you have tyrannized over me enough, which shall answer for when we arrive.

A copy of log slate found on board brig Lilla, made on July 5th, 1862, by L. H. Livingston.

A true copy. Attest.

S. E. SPRAGUE,
Clerk District Court.

90 [F.]

[12 *bills of lading.*]

[No. 1.]

Shipped, in good order and condition, by John Senior & Co., of Liverpool, in and upon the good ship or vessel called the "Lilla," whereof is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, four cases sheet copper, three casks ingot tin, one hundred and twenty ingots tin, three casks zinc sheets, twenty-eight cakes spelter, one hundred and twenty-eight bundles sheet iron, three hundred boxes tin plates, and fifty boxes Terne plates, in all, weighing thirty tons, fourteen hundred, three-quarters and twenty-six pounds, being marked and numbered, as per margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight in Liverpool for the said goods, at the rate of three pounds sterling per ton weight, with five per cent. primage and average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date, one of which being accomplished, the rest to stand void.

Dated in Liverpool this 13th day of May, 1862.

W't, c's, and v. unknown.
Not acct. for l. or b.

[In margin.]

F/S 67. 4	cases sheet copper	1	2	1	8
" 3	casks ingot tin	2	11	2	26
" 120	(loose) " "				
" 3	casks zinc sheets		18	0	0
" 28	cakes spelter		4	1	0
" 128	bundles sheet iron	7	3	2	20
" 300	boxes tin plates	16	5	0	0
" 50	" Terne plates	2	10	0	0
	Tons	30	14	3	26

a 6 p. c., 92 4 11
4 12 3

£96 17 2

Endorsed: JOHN SENIOR & CO.

91 [No. 2.]

Shipped, in good order and condition, by John Senior & Co., of Liverpool, in and upon the good ship or vessel called the "Lilla," whereof is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, one hundred and fifty-three bundles steel, one hundred and one plates spelter, one bundle brass-wire, twelve crucibles, and sixty bundles sheet iron, in all weighing twelve tons, fifteen hundreds and sixteen pounds, being marked and numbered as per margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight in Liverpool for the said goods, at the rate of three pounds sterling per ton weight, with five per cent. primage and average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool this 13th day of May, 1862.

Weight, contents, and value unknown.

Not accountable for leakage or breakage.

[In margin.]

F 69. S. & Co.	153 bundles steel	7	19	3	10
"	101 plates spelter	1	2	1	8
1 cask	1 bundle brass wire			1	22
	12 crucibles		5	3	16
[w]	60 bundles sheet iron	3	6	2	16
	Tons	12	15	0	16
a 6 p. c.,	38 5 5				
	1 18 3				
	£40 3 8				

Endorsed:

JOHN SENIOR & CO.

92 [No. 3.]

Shipped, in good order and condition, by John Senior & Co., of Liverpool, in and upon the good ship or vessel called the Lilla, whereof is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, one hundred and twenty boxes tin plates and eight rings iron wire, weighing in all seven tons, seventeen hundreds, three-quarters, and fourteen pounds, being marked and numbered as per margin, and are to be delivered in like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight in Liverpool for the said goods, at the rate of three pounds sterling per ton weight, with five per cent. primage and average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 13th day of May, 1862.

W., v., and c. unknown.

Not acct. for l. or b.

[In margin.]

×	120 boxes tin plates	6	15	3	14
S	8 rings iron wire	1	2	0	0
	Tons	7	17	3	14

a 6 p. c., 23 13 8
1 3 8

£24 17 4

Endorsed:

JOHN SENIOR & CO.

93 [No. 4.]

Shipped, in good order and condition, by John Senior & Co., of Liverpool, in and upon the good ship or vessel called the "Lilla," whereof is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, one hundred boxes tin plates, thirteen ingots tin, and seven pigs lead, weighing in all five tons, seventeen hundreds, three quarters, and fifteen pounds, being marked and numbered as per margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatever nature or kind, excepted,) unto order or to assigns, he or they paying freight in Liverpool for the said goods at the rate of three pounds sterling per ton weight, with five per cent. primage and average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the others to stand void.

Dated in Liverpool this day of May, 1862.

W., v., and c. unknown.
Not acct. for l. or b.

[In margin.]

×

J G B

60	100 boxes tin plates	5	8	1	0
"	13 ingots tin		3	1	4
"	7 pigs lead		6	1	11
	Tons	5	17	3	15

(× 1 in dispute.)

a 6 p.c., 17 13 8
17 8

£18 11 4

Endorsed: JOHN SENIOR & CO.

94 [No. 5.]

Shipped, in good order and condition, by Bushby Co., of Liverpool, in and upon the good ship or vessel called the "Lilla," whereof is master for this present voyage, and now lying in the port of Liverpool, and bound for

Nassau, six hundred and thirty-four bags saltpetre, being marked and numbered as per margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature and kind, excepted,) unto order or to assigns, he or they paying freight for the said goods in Liverpool, as per margin, with average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 12th day of May, 1862.

[In margin.]

634 bags, wg. 1,225 1 11 gross.
64 1 16 tare.
1,160 3 23 nett.

Wg. 1,225 1 11, a 6 p. c., 183 16 1
9 3 10
£192 19 11

Endorsed: BUSHBY & CO.

[And a line drawn through the indorsement]

95 [No. 6.]

Shipped, in good order and condition, by Bushby Co., of Liverpool, in and upon the good ship or vessel called the Lilla, whereof is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, seven hundred and two bags saltpetre, being marked and numbered as per margin, and are to be delivered in like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature and kind, excepted,) unto order or to assigns, he or they paying freight for said goods in Liverpool, as per margin, with average accustomed. In witness whereof, the master or purser of the said ship or vessel has affirmed to 4 bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 12th day of May, 1862.

[In margin.]

702 bags wg 1,248 3 26 gross.
64 0 6 tare.
c 1,184 3 20 nett.

1,248 3 26, a 6 p. c., 187 6 11
9 7 4
£196 14 3

Endorsed: BUSHBY & CO.

[And a line drawn through the indorsement.]

[No. 7.]

Shipped, in good order and condition, by R. G. Bushby, in and upon the good ship or vessel called the Lilla, whereof   is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, six hundred boxes merchandise, being marked and numbered as per margin, and are to be delivered in like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight for the said goods in Liverpool, as per margin, with average accustomed. In witness whereof, the master or purser of the said ship or vessel has affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 8th day of May, 1862.

Weight, contents, and value unknown.

Not accountable for leakage or breakage.

[In margin.]

[F]					
X. B.	600 boxes soap—300 cwt.				
	F				
Measuring	700	a 6 p. c.,	£52	10	0
	Primage,		2	12	6
			£55	2	6

97 [No. 8.]

Shipped, in good order and condition, by R. G. Bushby, in and upon the good ship or vessel called the Lilla, whereof   is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, eleven hundred and thirty-seven coils manilla rope, being marked and numbered as per margin, and are to be delivered in like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight for the said goods in Liverpool, as per margin, with average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 9th day of May, 1862.

Weight, contents, and value unknown. Not accountable for leakage or breakage.

[In margin.]

		or ·|· 501				
RG [H] 1	500 ·|·	=	500 ·|·	coils manilla rope.		
[X] 1	506	=	506	" " "		
[M] 1	131	=	131	" " "		
			1,137			
Wg. 2, 842	11	a 6 p. c.,	213	4	4	
			10	13	3	
			£223	17	7	

98 [No. 9.]

Shipped, in good order and condition, by R. G. Bushby, in and upon the good ship or vessel called the Lilla, whereof   is master for this present voyage, now lying in the port of Liverpool, and bound for Nassau, nineteen bales merchandise, being marked and numbered as in the margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight for the said goods in Liverpool, as per margin, with average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 12th day of May, 1862.

Weight, contents, and value unknown. Not accountable for leakage or breakage.

[In margin.]

P$\frac{1}{7}$=7 bales canvas bags.
C$\frac{1}{6}$=6 " white.

cwt. qrs. lbs.
[PX]$\frac{1}{6}$=6 bales twine. 4 3 7
19
Wg. 255 11, a 6 p. c., 19 3 11
19 2
£20 3 1

99 [No. 10.]

Shipped, in good order and condition, by R. G. Bushby, in and upon the good ship or vessel called the Lilla, whereof   is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, thirty-seven packages merchandise, being marked and numbered as per margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight for the said goods in Liverpool as per margin, with average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 8th day of May, 1862.

Weight, contents, and value unknown. Not accountable for leakage or breakage.

[In margin.]

BDH. $\frac{1}{11}$=11 kegs drugs.
[*P&D*] $\frac{1}{9}$= 9 cases drugs.
" $\frac{10}{13}$= 4 barrels " (1 keg No. 12.)
" $\frac{14}{23}$=10 cases "
" 24= 1 cask "
" 25= 1 box "
" 26= 1 case glass.
37

F. I.
Measuring 196—3 a 6 p. c., £14 14 4
Primage, 14 9
£15 9 1

100 [No. 11.]

Shipped, in good order and condition, by I. Perrin, Son & Co., of Liverpool, in and upon the good ship or vessel called the Lilla, whereof   is master for this present voyage, and now lying in the port of Liverpool, and bound for Nassau, eighty barrels saltpetre, being marked and numbered as in the margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature or kind, excepted,) unto order or to assigns, he or they paying freight for the said goods in Liverpool, as per margin, primage and average accustomed. In witness whereof, the master or purser of the said ship or vessel hath affirmed to three bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 9th day of May, 1862.

[In margin.]

[B]$\frac{1}{80}$=80 bbls. saltpetre.
F. I.
Mg. 539 11, a 6 p. c., 40 9 10
2 0 6
£42 10 4

101 [No. 12.]

Shipped, in good order and condition, by Henry Lafone, of Liverpool, in and upon the good ship or vessel called the Lilla, whereof   is master for this present voyage, now lying in the port of Liverpool, and bound for Nassau, three cases leather, being marked and numbered as per margin, and are to be delivered in the like good order and condition at the aforesaid port of Nassau, (all and every the dangers and accidents of the seas and navigation, of whatsoever nature and kind, excepted,) unto order or to assigns, he or they paying freight for the said goods in Liverpool, as per margin, with average accustomed. In witness whereof, the master or purser of the said ship or vessel has affirmed to four bills of lading, all of this tenor and date; one of which being accomplished, the rest to stand void.

Dated in Liverpool, this 12th day of May, 1862.
Weight, contents, and value unknown.
Not accountable for leakage or breakage.

[In margin.]

H $\frac{1}{3}$
I.
Measuring 69 11 a 6 p. c., £5 4 10
Primage, 5 3
£5 10 1

A true copy of twelve bills of lading. Attest:

S. E. SPRAGUE,
Clerk District Court.

102 [G.]

Liverpool, *May 15th*, 1862.

Messrs. Henry Adderley & Co., *Nassau:*

Dear Sirs: This will be handed to you by Capt. Appelbee, of my brig "Lilla," leaving this for your port to-day, and whom I have directed to report himself, on his arrival, to your good selves, and to confer with you as to the disposition of the cargo.

Further instructions will follow by the Nassau mail, leaving this in about three weeks, which will most probably anticipate the present and the arrival of the vessel with you. In the mean while, hoping for a safe and speedy voyage for Capt. A., I am, dear sirs, yours faithfully,

R. G. BUSHBY.

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

103 [H.]

Victualling bill.—Granted number, [1,446.]

Pilot unknown.
Port of Liverpool.
Bonded and drawback stores in the Lilla.
Applebee, master, for Nassau.
13 men. Passengers or troops.
Guns. 235 tons.

			Net quantities taken on board.
Spirits, foreign.	Rum	per gal.	
	Brandy	"	4
	Geneva	"	
	Other spirits, not sweetened	"	
Spirits, British or plantation.	Rum	"	
	Gin	"	
	Whiskey	"	
	Other spirits, not sweetened	"	
Wine		"	4
Wine, (for drawback)		"	
Beer, (for drawback)		"	
Vinegar		"	
Tea		per lb.	107
Coffee		"	216
Roasted, (for drawback)		"	
Cocoa		"	
Cocoa paste		"	
Sugar, refined		per cwt.	1.0.7
" " (for drawback)		"	
Sugar, unrefined		"	2.1.17
" bastard, (for drawback)		"	
Molasses		"	4.3.9
Tobacco, (for drawback)		per lb.	
" Negro head		"	
" roll		"	
Segars		"	

Pepper	per lb.	
Raisins	per cwt.	0.0.24
Currants	"	
Figs	"	0.0.16
Prunes	"	
Plums	"	
Sundries	"	1862
Surplus stores	"	

Examined 13th May, 1862. Cleared 13th May, 1862.

J. MUDIE, *Searcher.*
J. C. JOHNSTON, *Dy. Collector.*
FRASER, TRENHOLM & CO., *Broker.*
10 *Rumford Place, residence.*

United Kingdom. No. 354. Victualling bill.

[On indorsement.]

No. of certificates. None.

Ship Lilla, for Nassau.

[SEAL.] Master, Charles Applebee.

Date of clearance, Liverpool, 13th May, 1862.

J. MUDI, *Searcher.*
J. C. JOHNSTON, *Dy. Collector.*

30,000 11,161—H. & S. No. 446 Cocket Card.
3,786.

A true copy. Attest:

S. E. SPRAGUE, *Clerk District Court.*

105

[I.]

LIVERPOOL. 59.

AGREEMENT FOR FOREIGN-GOING SHIP.

COPY. Amount of Fee. £1 0 0. Executed in 1 folio.

(A.)

{ COM. OF COUNCIL FOR TRADE. } Sanctioned by the board of trade, August, 1860. In pursuance of 17 & 18 Vict., c. 104.

Name of ship.	Official number.	Port of registry.	Port No. and date of register.	Registered tonnage.	Managing owner.	
					Name.	Address. (State No. of house, street, and town.)
Lilla	44, 648	L'pool	103 24 | 4 | 62	235	Fraser, Trenholme & Co	10 Rumford Place, L'pool.

Master.			Date and place of first signature of agreement, (including name of shipping office.)
Name.	No. of certificate.	Address. (State No. of house, street, and town.)	
Charles Appelbee	1 4757	46 Skirving st., L'pool	13 May, 1862. L'pool.

Scale of provisions to be allowed and served out to the crew during the voyage.

	Bread.	Beef.	Pork.	Flour.	Peas.	Tea.	Coffee.	Sugar.	Water.
	lbs.	*lbs.*	*lbs.*	*lbs.*	*pt.*	*oz.*	*oz.*	*oz.*	*qts.*
Sunday	1	1½	....	½	....	⅛	½	2	3
Monday	1	....	1¼	....	⅓	⅛	½	2	3
Tuesday	1	1½	....	½	....	⅛	½	2	3
Wednesday	1	....	1¼	....	⅓	⅛	½	2	3
Thursday	1	1½	....	½	....	⅛	½	2	3
Friday	1	....	1¼	....	⅓	⅛	½	2	3
Saturday	1	1½	....	....	....	⅛	½	2	3

4

SUBSTITUTES.

1 oz. of coffee or cocoa or chocolate may be substituted for ¼ oz. of tea. Molasses for sugar; the quantity to be one-half more. 1 lb. of potatoes or yams, ¼ lb. flour or rice, ⅓ pint of peas, or ¼ pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be 2 lbs. per man per day, in lieu of salt meat. Flour, rice, and peas, beef and pork, may be substituted each for the other.

4. Here any stipulation for changes or substitution of one article for another may be inserted.

N. B. The board of trade do not interfere as to the quantities of provisions to be supplied.

4

The several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom 8 are engaged as sailors, hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from Liverpool to Nassau, and back to a final port of discharge in the United Kingdom, the term not to exceed 12 months.

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship, and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or wilful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owners out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that the regulations authorized by the board of trade, which, in the paper annexed hereto, are numbered[2] 1 to 22, are adopted by the parties hereto, and shall be considered as embodied in this agreement. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that[3] the crew shall consist of 12, all told. No grog allowed.

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Signed by Charles Appelbee, master, on the 13 day of May, 1862.

1. Here the voyage is to be described and the places named at which the ship is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.

2. Here are to be inserted the numbers of any of the regulations for preserving discipline lettered R, issued by the board of trade, which the parties agree to adopt. If any of them are so adopted, a copy of the regulations is to be kept annexed to the agreement.

3. Here any other stipulations may be inserted, to which the parties agree, and which are not contrary to law.

5. The authority of the owner or agent for the allotments mentioned below is in my possession.

———— ————,
Shipping-Master.

5. This is to be filled up, if such an authority has been produced.

751

Signatures of crew.	Age.	Town and county where born.	No. of fund ticket, (if any,) or E. 2.	No. of royal naval volunteer's certificate.	Ship in which he last served, official number, and port she belonged to, or other employment.	Date and place of discharge from such ship.		Date and place of joining this ship.		In what capacity engaged, and if mate, No. of his certificate, (if any.)	Time at which he is to be on board.	Amount of wages per calendar month, share, or voyage.	Amount of wages advanced on entry.	Amount of monthly allotment.	Shipping-master's signature or initials.
						Date.	Place.	Date.	Place.			£ s. d.	£ s. d.	£ s. d.	
James Smiley Saunderson.	30	Larne	......	......	—— American	......	Ship	13 May	L'pool.	C. 25625. Mate	10 a. m. 14 May.	7 0 0	7 0 0	......	T. Cusheno.
his Edward × Riley mark.	20	Charleston	......	......	Lilla, L'pool	......	......	13 May	L'pool.	Bsn	14 May.	6 0 0	6 0 0	......	T. C.
his William × Campbell mark.	25	Baltimore	......	......	Lilla, L'pool	......	......	13 May	L'pool.	Cook	14 May.	10 0 0	5 0 0	......	T. C.
Henri Chlhafer	29	Hanover	......	......	—— American	......	Ship	13 May	L'pool.	AB	14 May.	2 10 0	2 10 0	......	T. C.
his Antonio × Reat mark.	28	Rotterdam	......	......	—— American	......	Ship	13 May	L'pool.	AB	14 May.	2 10 0	2 10 0	......	T. C.
Francis Knight	45	Northumberland	......	......	Ranger, L'pool	Apl	L'pool	13 May	L'pool.	AB	14 May.	2 10 0	2 10 0	......	T. C.
his James × Drain mark.	25	London	......	......	Pss. Royal Windsor.	1st Apl	London	13 May	L'pool.	AB	14 May.	2 10 0	2 10 0	......	T. C.
his Richard × Harrington mark.	35	Halifax, N. S.	......	......	Pss. Royal Windsor.	1st Apl	London	13 May	L'pool.	AB	14 May.	2 10 0	2 10 0	......	T. C.
Thomas Wright	48	Southwold	......	......	Bloomer, London	1 May	L'pool	13 May	L'pool.	AB	14 May.	2 10 0	2 10 0	......	T. C.
Charles Bancroft	27	Newport	......	......	Coronella, Bideford	25 Mar	Glasgow	13 May	L'pool.	AB	14 May.	2 10 0	2 10 0	......	T. C.
Frederick Fisher	15	Charlestown	......	......	Lilla, L'pool	3 Apl	L'pool	13 May	L'pool.	Boy	14 May.	3 0 0	3 0 0	......	T. C.

PLACE FOR SIGNATURES AND DESCRIPTION OF SUBSTITUTES.

NOTE.—Here the entries are to be made as above, except that the signature of the consul or vice-consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping-master.

107 [K.]

SEAL
Marine department.

(A. A.) *Foreign-going ship.*

No. 36.

Sanctioned by the Board of Trade, May, 1855, in pursuance of 17 & 18 Vict., c. 104.

Certificate for clearance outwards.

Name of master.	Name of ship.	Official number.	Port belonging to.	Registered tonnage.
Charles Applebee.	Lilla.	44,648.	Liverpool.	235.

Port of departure.	Destination of voyage.	Payments.	£	*s.*	*d.*
Liverpool.	Nassau.	Fees............	1	0	0
		Forms			
		Log			
		Total			

I certify that the above-named master has engaged his crew before me, and has produced the certificates of himself and of such of his mates as are required to produce certificates, and has made the above-mentioned payments, or has otherwise complied with the provisions of the statutes in that behalf.

Dated at Liverpool, 13th day of May, 1862.

A. C. MOTT, *Shipping-Master.*

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

108 [L.]

[Trinitas in Unitate.]

[112.]

CUSTOM-HOUSE, LIVERPOOL,
30 *day of April,* 1862.

A. 7,986.

These are to certify that Mr. Libby, Mr. of the Mary Wright, official number
(Here insert whether master of or agent for.)
of 235 tons register of Liverpool, from Charleston to †
hath paid the sum of two pounds six shillings nine pence for light, &c., duties for the said voyage, as under stated.

(Signature,) [Illegible.] *Collector.*

		Rate.		Amount.		
General coast lights,	per ton.	5^{15}	5	16	3
	per vessel.				
Local lights,	per ton.				
	per vessel.	6			6
			5	16	9
By order in council. Dated 25th July, 1861. Abatement 60 per ct.			3	10	
Net amount.			2	6	9

* Duties last paid at on the day of 186 .

* It is particularly requested that this information be inserted.

† When two or more courses are open to a vessel it is requested that the one taken be specified.

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

109 [M.]

[Trinitas in Unitate.]

A. 8650.

CUSTOM-HOUSE, LIVERPOOL,
14 *day of May,* 1862.

These are to certify that Mr. Applebee, mr. of the Lilla, official number 44648,

(Here insert whether master of or agent for.)

of 235 tons register, of Liverpool, from to Nassau, † by hath paid the sum of two pounds five shillings three pence for light, &c., duties for the said voyage, as under stated.

(Signature.) J. MORGAN, *P. Collector.*

		Rate.		Amount.		
General coast lights,	per ton.	5^{12}			
	per vessel.				
Local lights,	per ton.				
	per vessel.	6			
By order in council.			5	13	1
Dated 25th July, 1861. Abatement 60 per ct.			3	7	10
Net amount.			2	5	3

* Duties last paid at Liverpool as the "Mary Wright," on the 30 day of April, 186 .

* It is particularly requested that this information be inserted.

† When two or more courses are open to a vessel, it is requested that the one taken be specified.

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

110

[N.]

FORM NO. 9.
SAILING SHIP.

Certificate of British registry.

SIGNAL LETTERS.
T. W. B. L.

Official number of ship, 44648
Port number, 103

Date of registry,
24th April, 1862

Name of ship.	British or foreign built.	Port of registry.	How propelled.
"Lilla."	Foreign; built at Wells, in the State of Maine, United States of America, in 1855. Her foreign name was "Mary Wright."	Liverpool.	By sails.

Number of decks,	one and break.	Build,	carvel.
Number of masts,	two.	Galleries,	none.
Rigged,	brigantine.	Head,	scroll.
Stern,	square.	Framework,	wood.

MEASUREMENTS.	*Feet.*	*Tenths.*
Length from the fore part of the stem, under the bowsprit, to the aft side of the head of the stern-post,	109	6
Main breadth to outside plank,	27	6
Depth in hold from tonnage deck to ceiling, at midships,	10	3
Name and address of builder,		

TONNAGE.	*No. of tons.*
Tonnage under tonnage deck,	208.77
Closed-in spaces above the tonnage deck, if any, viz:	
Space or spaces between decks,	" "
Break,	13 09
Top of do.,	13.14
Other enclosed spaces, if any, naming them,	" "
Total register tonnage,	235.00

I, the undersigned, registrar of the port of Liverpool, hereby certify that the ship the description of which is prefixed to this my certificate, has been duly surveyed, and that the above description is true; that Charles Appelbee, whose certificate of competency or service is No. 4757, is the master of the said ship; and that the name, residence, and description of the owner, and number of sixty-fourth shares held by him, are as follows:

Name, residence, and occupation of the owner.	No. of sixty-fourth shares.
Richard George Bushby, of Liverpool, in the county of Lancaster, merchant.	Sixty-four. 64.

Dated at Liverpool this 24th day of April, 1862.

S. PRICE EDWARDS, *Registrar.*

"NOTICE.—A certificate of registry, granted under the 'merchant shipping act, 1854,' is not a document of title. It does not necessarily contain notice of all changes of ownership, and in no case does it contain an official record of any mortgage affecting the ship."

N. B.—Indorsements of changes of owners and masters must be made as directed by the instructions to registrars, and will follow here.

A true copy. Attest:

S. E. SPRAGUE, *Clerk District Court.*

[O.]

Freight list of the brig Lilla—C. Applebee—from Liverpool to Nassau, N. P.

Capt's No.	Shippers.	Consignees.	Goods.	Marks.	Nos.	Weight.	Measurement.	Rate.	Freight.	Primage.	Total. Payable there.	Total. Payable here.
						T. ct. q. lb.			*£ s. d.*	*£ s. d.*		*£ s. d.*
1	John Senior & Co..	Order ...	4 cases sheet copper.... 3 casks ingot tin .... 120 (loose) tin............. 3 casks zinc, sheets..... 28 " spelter .... 128 bundles sheet iron.... 300 boxes tin plates .... 50 " Terne plates ...	[F] [S 67] —"— —"— —"— —"— —"— —"— —"—		30 14 3 26	....	*s* 60 p. ton	92 4 11	4 12 3	....	96 17 2
2	......do	...do	153 bundles steel......... 101 plates spelter.......... 1 bundle brass wire .. } 12 crucibles.......... } 60 bundles sheet iron....	[F 69] —"— 1 cask " {1 cask. " "		12 16 0 16	....	....do	38 5 5	1 18 3	....	40 3 8
3	......do	...do	120 boxes tin plates ...... 8 rings iron wire	+ [W] s		7 17 3 14	....	....do	23 13 8	1 13 8	....	24 17 4
4	......do	...do	100 boxes tin plates ...... 13 ingots tin .... 7 pigs lead...............	J G B 60 —"—		5 17 3 15	....	....do	17 13 8	0 17 8	....	18 11 4
5	Bushby & Co......	...do	634 bags saltpetre........	—"—		61 5 1 11	....	....do	183 16 1	9 3 10	....	192 19 11
6	......do	...do	702 " "	[F]		62 8 3 26	....	....do	187 6 11	9 7 4	....	196 14 3
7	R. G. Bushby	...do	600 boxes soap...........	J B		....	700 00	....do	52 10 00	2 12 6	....	55 2 6
8	......do	...do	500 coils Manilla rope .... 506 " " " .... 131 " " "	[U] [X] [M]		....	2, 842 11	....do	213 4 4	10 13 3	....	223 17 7
9	......do	...do	7 bales canvas bags .... 6 " white " .... 6 " twine	P C [P X]	1-7 1-6 1-6	....	255 11	....do	19 3 11	0 19 2	....	20 3 1
10	......do	...do	11 kegs drugs........... 9 cases " .... 4 barrels " .... 10 cases " .... 1 cask " .... 1 box " .... 1 case glass.............	B D H [P & D] —"— —"— —"— —"— —"—	1-11 1-9 10-13 14-23 24 25 26	....	196 03	....do	14 14 4	0 14 9	....	15 9 1
11	J. Perrin, Son & Co.	...do	80 barrels saltpetre.......	[B]	1-80	....	539 11	....do	40 9 10	2 0 6	....	42 10 4
12	Henry Lafone	...do	3 cases leather	[H L]	1-3	....	69 11	....do	5 4 10	0 5 3	....	5 10 1
	EE.					181 0 0 24	4, 604 11	....	888 7 11	44 8 5	....	932 16 4

LIVERPOOL, 14*th May*, 1862.

A true copy. Attest:

S. E. SPRAGUE, *Clerk District Court.*

113 [P.]

(109)

Liverpool shipping office, Sailors' Home, Registry, and Savings' Bank.

Return list of the crew of the Lilla, Captain Applebee, from Liverpool, bound to Nassau.

Names.	Rating.	Wages per month	Advance.	Monthly money.	Remarks.
		£ s. d.	£ s. d.	£ s. d.	
James S. Saunderson..	Mate....	7 0 0	7 0 0		
Edw'd Kiley........	Bo'wain.	6 0 0	6 0 0		
Wm. Campbell.......	Cook...	10 0 0	5 0 0		
Henri Ohlhafer	A. B....	2 10 0	2 10 0		
Antonio Reat	"	2 10 0	2 10 0		
Francis Knight.......	"	2 10 0	2 10 0		
James Drain	"	2 10 0	2 10 0		
Rich'd Herrington....	"	2 10 0	2 10 0		
Thos. Wright........	"	2 10 0	2 10 0		
Chas. Bancroft.......	"	2 10 0	2 10 0		
Fred'k Fisher........	Boy....	3 0 0	3 0 0		

Dated the day of 1862.

Master.

Addressed, Messrs. Fraser, Trenholme & Co.

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

114 [T.]

By the Lords of the Committee of Privy Council for Trade.

[Seal.]

Certificate of competency as master.

To James Smiley Saunderson:

Whereas it has been reported to us that you have been found duly qualified to fulfil the duties of master in the merchant service, we do hereby, in pursuance of the merchant shipping act, 1854, grant you this certificate of competency.

Given under the seal of the Board of Trade, this fifth day of April, 1862.

By order of the board.

W. H. WALKER,
Officer of the Marine Department.

Registered.

CHAS. PETTET.

Entered at the General Register and Record Office of Seamen, on the 7th day of April, 1862.

EDWARD HEAD COLEMAN.

No. of certificate, 25625.
Address of bearer, Larne, Antrim.
Date and place of birth, Larne, Antrim.
No. of register ticket.
Signature, Jas. Smiley Saunderson.

This certificate is given upon an ordinary examination, passed at Belfast, on the first day of April, 1862.

Every person who makes, or procures to be made, or assists in making, any false representation for the purpose of obtaining for himself or for any other person a certificate, either of competency or service, or who forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently
115 altering, or procures to be fraudulently altered, any such certificate, or any official copy of any such certificate, or who fraudulently makes use of any such certificate or any copy of any such certificate, which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to, or allows the same to be used by, any other person, shall for each offence be deemed guilty of a misdemeanor, and may be summarily punished by imprisonment, with or without hard labor, for a period not exceeding six months, or by a penalty not exceeding £100; and any master or mate who fails to deliver up a certificate which has been cancelled or suspended is liable to a penalty not exceeding £50.

Issued at Larne, the Port of Belfast, on the 9th day of April, 1862.

D. SHERIFF,
P. C. Officer Custosm, &c.

I hereby certify that the above is a true copy of the original which was, by order of the court, returned to the bearer, upon his application.

ARTHUR DEXTER, *P. C.*

BOSTON, *Aug.* 5, 1862.

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

116 [Y.]

15 NEPTUNE STREET, LIVERPOOL,
May 13th, 1862.

(Duplicate.)

Captain Libby, and owners of brig "Lilla," to Thos. Hodgson Hayes, block and mast maker, ship smith, &c.

1862.

April	22.	To 35 ft. of deck plugs, a 5^{d}	0	14	7
"	23.	" 6 single 7-in. B blocks, a 2 | 3, (for sails)	0	13	6
"	"	" 2 " 6-in. B " a 1 | 10 "	0	3	8
"	"	" 1 turned plug for cabin funnel, 1^{s}	0	1	0
"	24.	" 2 bull's eyes for topmast stays, a 2 | 8	0	5	4
"	28.	" 4 deadeyes for topmast backstays, a 3 | 6	0	14	0
"	"	" cutting 2 mortices in sheet chocks, 3 | 10	0	3	10
"	"	" 2 B sheaves for do., a 2 | 10; 2 pins, a 9^{s}	0	7	2
"	"	" 1 B 5½-in. bull's eye, 1 | 9	0	1	9
May	6.	" 2 treble 11-in. patent roller brace blocks, 28 | 6	2	17	0
"	"	" 2 bindings and fixing on do., at 8 | 6	0	17	0
"	"	" 2 single 11-in. patent roller brace block, a 10^{s}	1	0	0
"	"	" 2 bindings and fixing on do., a 6^{s}	0	12	0
"	"	" 8 single 10-in. patent roller brace blocks, a 9^{s}	3	12	0

“	“	“ 8 iron bindings and fixings on do., a 5^s	2	0	0
“	“	“ 4 single 7-in. patent roller brace blocks, a 5 | 9	1	3	0
“	“	“ 2 bindings and fixings on do., a 4^s	0	8	0
“	“	“ 2 double 11-in. pat roller halyard blocks, a 20^s	2	0	0
“	“	“ 2 bindings and fixing on do., a 7 | 6	0	15	0
“	“	“ 1 becket and thimble, 1 | 4; 1 shackle, 1 | 6	0	2	10
“	“	“ 1 double 7-in. pat. roller halyard block, 11 | 6	0	11	6
“	“	“ 1 single 7-in. do., 5 | 9	0	5	9
“	“	“ 1 binding and fixing on do., 4^s	0	4	0
“	“	“ 1 becket and thimble, 1^s	0	1	0
“	“	“ 1 topsail runner block, 2¼ mortice	0	7	9
“	“	“ 4 plates and screws, 3 | 4; fixing do., 2^s	0	5	4
Omitted.					
April	24.	“ 2 lig. vitæ hearts for bobstays, a 6 | 9			6
117					
May	6.	To 1 iron binding and fixing on do., 8 | 6	0	8	6
“	“	“ 1 topgallant runner block, 1½-in. mortice, 4 | 6	0	4	6
“	“	“ 1 binding and fixing on do., 5 | 9; 2 shackles, 3^s	0	8	9
“	“	“ 2 double 7-in. main lift blocks, a 4 | 6	0	9	0
“	“	“ 2 single 7-in. do., a 2 | 3; 2 bindings and fixings, a 3 | 6	0	11	6
“	“	“ 2 beckets and thimbles, a 1^s; cartages, 3 | 6	0	5	6
“	“	“ 2 lig. vitæ bull's eyes, 4^s; 2 bindings and fixings, a 2 | 9	0	13	6
“	“	“ 1 lig. vitæ mast head trucks, 2 | 10	0	2	10
“	“	“ 1 piece of lig. vitæ for wheel barrel, 69 lbs., a 3^d	0	17	3
“	“	“ turning, boring and fixing on spindle, 12 | 6	0	12	6
“	“	“ 2 new hoops and fixing on barrel, 2 | 10	0	2	10
“	“	“ 2 bushes, a 2 | 8; 2 keys, a 4^d; 1 staple, 3^d	0	6	3
“	“	“ 6 B sheaves for 7-in. blocks, a 1 | 6; 4 pins, a 6^d	0	11	0
“	9	“ 6 lig. vitæ bull's eyes for jib sheets, a 1 | 10	0	11	0
“	10,	“ 9 single 8-in. B blocks, a 2 | 9	1	4	9
“	“	“ 9 bindings and fixing in do., a 4 | 6	2	0	6
“	“	“ 1 double 8-in. B block, 5 | 6; 1 binding, 5 | 6	0	11	0
“	“	“ 4 “ 8-in. top G. sheet blocks 1½-in. mortice, a 3 | 6	0	14	0
“	“	“ 4 bindings and fixing on do., a 5^s	1	0	0
“	“	“ 4 double 7-in. quarter blocks, T. G. yard, a 4 | 6	0	18	0
“	“	“ 4 bindings and fixing on do., a 4 | 9	0	19	0
“	“	“ 2 single 6-in. quarter blocks for royal do., a 1 | 10	0	3	8
“	“	“ 2 bindings and fixing on do., a 3 | 3	0	6	6
“	“	“ 2 single 6-in. patent roller halyard blocks, a 4 | 8	0	9	4
“	“	“ 2 new double wheel blocks with fixing, inside binding and steel pins, a 6 | 6	0	13	0
“	“	“ 2 do. do. single do., a 3 | 3	0	6	6
“	“	“ 2 inside bindings with swivels, a 4 | 6	0	9	0
“	“	“ 2 patent roller sheaves for 11-in. block, a 7 | 6	0	15	0
“	“	“ 1 steel pin, 1^s; 2 B sheaves for 8-in., a 1 | 9; pin, 6^d	0	5	0
118					
May	10.	“ 4 do. 12-in. turned buntline blocks, a 4 | 10	0	19	4
“	12.	“ 6 B B sheaves for brace cleats, a 1 | 6; 6 pins, a 6^d	0	12	0
“	“	“ 3½ doz 7-in. double stay hanks, a 7^s	1	4	6
“	13.	“ 4 do. 9-in. tack and sheet blocks 15-8 in mortice, a 4 | 6	0	18	0
“	14.	“ 4 double 6½-in. patent roller blocks, a 11^s	2	4	0
“	“	“ 4 inside bindings with centre bars, a 4 | 9	0	19	0
“	“	“ 4 beckets and thimbles for do., a 1 | 3	0	5	0
“	“	“ 6 “ 5-in. brail blocks, a 1 | 6	0	9	0

" " " 3 doz. hanks, 13 | 6	0	13	6
" " " 6 hickory handspikes, a 3^s	0	18	0
" " " 6 " capstan bars, a 3^s	0	18	0
	£48	1	0

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

119 *Register.*

1 temporary, No. 437.

No. 437.

[L. S.]

F. BIGGER.
Register.

[L. S.]

C. H. PEASLEE,
Collector.

[L. S.]

C. D. LINCOLN,
Dep. naval officer.

REGISTRY OF VESSELS.........UNITED STATES.

In pursuance of an act of the Congress of the United States of America, entitled "An act concerning the registering and recording of ships or vessels," Richard C. Bartlett, $\frac{1}{8}$, of Wells, State of Maine, having taken or subscribed the oath required by the said act, and having sworn that he, together with Barak Maxwell, $\frac{7}{8}$, of said Wells, are the only owners of the ship or vessel called the Betsey Ames, of Wells, whereof Richard C. Bartlett is at present master, and a citizen of the United States as he hath sworn; and that the said ship or vessel was built at Wells, State of Maine, A. D. 1855, as per enrolment, No. 17, issued at Kennebunk, Oct. 31, 1855, now cancelled—property the same, vessel bound foreign, and said enrolment having certified that the said ship or vessel has one deck and two masts, and that her length is one hundred and seven feet eight inches; her breadth twenty-seven feet five inches; her depth ten feet one inch, and that she measures two hundred sixty-five tons $\frac{4}{95}$; that she is a brig, has a square stern and a billet-head:

And the said Richard C. Bartlett having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said brig has been duly registered at the port of Boston.

Given under our hands and seals, at the port of Boston, this 30th day of November, in the year one thousand eight hundred and fifty-five.

120

CUSTOM-HOUSE, BOSTON,
Collector's Office, Dec. 11, 1861.

This is to certify that the within is a copy of the original, as appears by the records of this office.

{ Custom-house, district of Boston and Charlestown. } Given under my hand and seal of office the day and year above written.

J. Z. GOODRICH, *Collector.*

A true copy. Attest:

S. E. SPRAGUE, *Clerk District Court.*

121 *Enrolment.*

No. 17. Permanent.

Enrolment in conformity to an act of the Congress of the United States of America, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same." Barak Maxwell, of Wells, in the State of Maine, having taken and subscribed the oath required by the act, and having sworn that he owns $\frac{7}{8}$, and Richard C. Bartlett, of said Wells, owns $\frac{1}{8}$; are citizens of the United States, and sole owners of the ship or vessel called the Betsey Ames, of Wells, whereof Richard C. Bartlett is at present master; and, as he hath sworn, is a citizen of the United States; and that the said ship or vessel was built at Wells, State of Maine, in the year one thousand eight hundred and fifty-five, as appears by certificate of John Brewster, of York, master carpenter, and Joshua Hubbard, inspector, having certified that the said ship or vessel has one deck and two masts, and that her length is 107 feet 8 inches; her breadth 27 feet 5 inches; her depth 10 feet 1 inches, and that she measures 265 and $\frac{4}{95}$ tons; that she is a brig, has a square stern, no galleries, and a billet head:

[L. S.]

(Signed.)

ENOCH COUSENS,
D. Collector.

And the said Maxwell having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said brig has been duly enrolled at the port of Kennebunk.

Given under my hand and seal of office, at the district and port of Kennebunk, this 31 day of Oct., in the year of our Lord one thousand eight hundred and fifty-five.

122 DISTRICT OF KENNEBUNK,
Port of Kennebunk:

I hereby certify that the foregoing is a true copy of the enrolment of the brig "Betsey Ames," as recorded in this office.

Custom-house,
Maine.
Kennebunk.

In witness whereof, I have hereunto set my hand and affixed the seal of this office, this eighteenth day of August, in the year eighteen hundred and sixty-two.

S. E. BRYANT,
Dep'y Collector.

A true copy. Attest:

S. E. SPRAGUE, *Clerk District Court.*

123

AMERICAN SHIPPING OFFICE,
24 *Waterloo Road, Liverpool, April 3d,* 1862.

Shipping Office.
P. MARTIN.

Received from Captain Libby, through the hands of P. Martin, the sum of one hundred and seven dollars and ninety-three cents, being the balance of wages due me up to the above date and in full of all my demands against Geo. A. Gitsinger, captain, officers, and owners of brig "Mary Wright."

$107 93.

[One penny stamp.]

Received from Captain Libby, through the hands of P. Martin, the sum of six dollars and sixty cents, being the balance of wages due me and in full of all my demands against captain, officers, and owners of ship rigged "Mary Wright."

$6 60.

his
JAMES + GORDAN.
mark.

[One penny stamp.]

THOMAS CLARK.

124 *I verpool, 21st April.*

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Exhibit annexed to the deposition of Wm. H. Ladd.

ARTH. DEXTER, *P. C.*

125 *Deposition of Wm. H. Ladd.*

Wm. H. Ladd, being first duly sworn, answers to the following interrogatories severally, as follows:

Int. 1. What is your name, residence, and occupation?

Ans. My name is Wm. H. Ladd; I live in Roxbury, Mass. I have lately acted for the United States marshal as keeper of several prizes; among others, of the "Lilla."

Int. 2. State all you know concerning certain papers now handed by you to the commissioner; where were they found, and by whom, and when.

Ans. I found them on the floor, under the bureau, in Captain Lebby's stateroom, on board the "Lilla," on the third of August, or thereabouts. I noticed there were pieces of paper there when I took charge of the brig on her arrival, but I did not take them out until August 3d.

Int. 3. What condition were they in when found?

Ans. Two of them (marked Y and Z, and filed with the other papers of the case, Ar. D. P. C.) were in the same state in which they now are. The other two papers now shown to me were torn into small pieces when found, and the pieces lying mixed up together. I handed these pieces to the United States marshal. I recognize the pieces now arranged and pasted upon two sheets of paper, as being the same I found, and as being all which I so delivered to the marshal. (The two sheets upon which the fragments have been pasted I annex to this deposition—Arthur Dexter, P. C.)

Int. 4. Have you anything further to state in this connection?

Ans. I have nothing more to say of the papers. I now hand to the commissioner thirteen charts, (marked "Lilla," chart 1, chart 2, etc., Ar. D., P. C.) These were in Captain Lebby's state-room, and when he came to remove his personal effects he asked me to keep them for him until he should send me an order for them.

WM. H. LADD.

126 UNITED STATES OF AMERICA,
District of Massachusetts, ss:

I, Arthur Dexter, being one of the prize commissioners appointed by the district court of said district, and duly qualified to act as such, and authorized by an order of said court to take the examination *de bene esse* of any person not sent into this port by the captors of any prize, when such evidence shall appear to be material in the case of such prize, hereby certify, that on the 15th day of August, 1862, I proceeded to examine and interrogate Wm. H. Ladd on the within interrogatories, having first caused him to be duly sworn according to the oath prescribed. And I have caused said examination to be taken down in writing and read over to the said witness and signed by him in my presence, and have annexed to the said examination certain exhibits, being two in number, and also this my certificate; and in all other respects I have conformed to the duties of my office. Witness my hand and seal this 9th day of September, 1862.

[SEAL.] ARTHUR DEXTER,
Prize Commissioner.

A true copy. Attest:

S. E. SPRAGUE, *Clerk District Court.*

LIVERPOOL, *Aug. 23d*, 1862.

C. G. THOMAS, Esq.,
20 *Court Street, Boston.*

DEAR SIR: I received your interesting letter, for which I am much obliged, and I hope the consul and my captain, with your able assistance, will succeed in obtaining the release of my vessel.

In reply to your inquiry as to whether the vessel's papers are in order, I beg to say that they were all made out in the usual manner, and that she was bound *bona fide*, to Nassau, where she was to discharge her cargo, and be supplied with an homeward freight by Messrs. H. Adderly & Co. I
127 enclose you copy of my letter to these gentlemen, and also instructions to Capt. Appelbee, which will show my intentions as regards the ship. I am also prepared to make an affidavit to this effect, or do any other act that would be satisfactory to show that the vessel was intended for Nassau, and Nassau only. You will please apply to me for any documents you may require, with reference to the cargo; this does not belong to me, but was shipped by various parties, and as ship-owner, acting for the interest of all concerned, I approve of the course determined upon with the saltpetre.

I remitted to the British consul, for the use of Captain Appelbee, £250, and shall send any further sum that may be deemed necessary by yourself and the consul, for the protection of my interest. Please write me fully your opinions from time to time.

I am, dear sir, yours faith'y,

R. G. BUSHBY.

A true copy. Attest:

S. E. SPRAGUE, *Clerk.*

[Copy.]

On this eleventh day of August, in the year of our Lord one thousand eight hundred and sixty-two, personally came and appeared before me, Bruce Lockhart Burnside, a notary public by lawful authority appointed, duly admitted, and sworn, residing and practicing in the city of Nassau, in the island of New Providence, George Davis Harris, of the city aforesaid and island aforesaid, who, of his own free will and voluntary accord, did swear, depose, and say:

I am a member of the firm of Henry Adderley and Company, carrying on business as general agents and commission merchants in this city. The firm of Henry Adderly & Co. received from a certain R. E. Bushby the letter hereto annexed, marked "A," conveying them instructions relative to the
128 British brig "Lilla," which instructions were *bona fide;* those intended for the guidance of the said firm of Henry Adderly & Co., in transacting business relative to the said brig, and which would in all respects have been strictly adhered to, both with reference to the discharge of the cargo of the said vessel at this city of Nassau, as to obtaining and forwarding another cargo in the said brig to some port in the United Kingdom, and not elsewhere.

(Signed)

GEORGE D. HARRIS.

Sworn to at Nassau this eleventh day of August, A. D. 1862, before me,

(Signed)

B. L. BURNSIDE, *Notary Public.*

[Copy.] [102.]

[A.]

LIVERPOOL, *7th June,* 1862.

Messrs. HENRY ADDERLY & Co.,
Nassau.

DEAR SIRS: I confirm my letter of the 13th ultimo, which will be handed to you by Captain Appelbee, of my brig "Lilla."

I have now to request that after the arrival of the vessel at your port and discharging her cargo, you will please assist the captain in obtaining a homeward cargo, either direct to this port or elsewhere in the United Kingdom, whichever in your discretion you may consider most advantageous for the ship.

Please advise me as early as possible after procuring a homeward freight for the brig, in order that I may provide the necessary insurance.

I am, dear sirs, yours faithfully,

(Signed)

R. E. BUSHBY.

129 BAHAMA ISLANDS,
New Providence:

To all to whom these presents shall come: I, Bruce Lockhart Burnside, notary public, by lawful authority appointed, duly admitted and sworn, residing and practicing in the city of Nassau, in the island of New Providence aforesaid, do hereby certify that the annexed paper writing contains a true copy of a notarial deposition made by the within-named George David Harris, before me, together with a true copy of a letter signed "R. E. Bushby," and directed to Messrs. Henry Adderley & Co., "Nassau," the same remaining of record in my notarial register book, page 84.

In testimony whereof, I have hereunto set my hand and seal notarial the twelfth day of August in the year of our Lord one thousand eight hundred and sixty-two.

[L. S.] (Signed) B. L. BURNSIDE, *Not. Public.*

I do hereby certify that the above signature is genuine and correct, and that B. L. Burnside is a duly appointed notary public of the Bahamas, as witness my hand and consular seal, at Nassau, this twelfth day of August, A. D. 1862.

[L. S.] (Signed) SAMUEL WHITING,
U. S. Consul.

HER BRITANNIC MAJESTY'S CONSULATE,
States of Massachusetts and Rhode Island.

I, Francis Lousada, her Britannic Majesty's consul for the States of Massa-
chusetts and Rhode Island, do hereby certify that the within annexed
130 papers are correct copies of the originals deposited in the archives of
this consulate.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Boston, this tenth day of September, in the year of our Lord one thousand eight hundred and sixty-two.

[L. S.] FRANCIS LOUSADA,
H. B. M. Consul for Mass. and R. I.

A true copy. Attest:

S. E. SPRAGUE,
Clerk District Court.

LIVERPOOL, *Sept. 6th*, 1862.

C. G. THOMAS, Esq.,
20 Court Street, Boston.

DEAR SIR: I confirm my letter of the 23d August, since when I am without anything further from you.

I received yesterday from Messrs. Adderly & Co., of Nassau, the consignees of the "Lilla" at that port, an affidavit, stating the vessel was consigned to them, and a certified copy of my letter of consignment and instructions. These Messrs. A. & Co. advise me they have also sent to the British consul at New York, to be forwarded to you. Please, therefore, apply for them through Mr. Lousada, should they not already have reached you.

I am, dear sir, yours faithfully,

R. G. BUSHBY.

The affidavits have erroneously been made out as R. E. Bushby instead of R. G. Bushby.

I hope this will not be material.

A true copy. Attest:

ELISHA BASSETT, *Clerk pro tem.*

131 41 WATERLOO ROAD,
Liverpool, May 13th, 1862.

Captain and owners of the brig , bought of Richard Kaye, wholesale and retail butcher, live stock, and provision dealer.

Shipping supplied.

April 3.	Beef, 44 lb., 27||6; sk. of pot., 19s; salt, 1||6	2	8	0
“ 4.	Coal, 6s; hamp'r of onions, 5s		11	0
“ 5–6.	Beef, 16 lb., 10s; butter, 10 lb., 12||6; beef, 12 lb., 7||6	1	10	0
“ 7–8.	“ 21 lb., 13||1½; gro., 2s; beef, 11 lb., 6||10½	1	2	0
“ 9–10.	“ 21 lb., 13||1½; beef, 13 lb., 8||1½; onions, 5s	1	6	3
“ 11–12.	“ 12 lb., 7||6; gro., 2s; beef, 11 lb., 6||10½; coal, 6s.	1	2	4½
“ 13–14.	“ 19 lb., 11||10½; beef, 12 lb., 7||6; gro., 2s; butter, 10 lb., 12||6; sk. pts., 19s	2	12	10½
“ 15–16.	“ 12 lb., 7||6; beef, 12½ lb., 7||10		15	4
“ 17–18.	“ 10½ lb., 6||10; beef, 16 lb., 10s; mackerel, 6s; gro., 1s	1	3	10
“ 19–20.	“ 11½ lb., 7||2½; beef, 14 lb., 8||9; colyflour, 1s		16	11½
“ “	Coffee, 6 lb., 9s; coal, 2||6; tea, 2 lb., 9s; hamp. onions, 5s	1	5	6
“ 21–22.	Beef, 11 lb., 6||10½; beef, 12½ lb., 7||10; sk. pts., 19s.	1	13	8½
“ 23–24.	“ 14 lb. 8||9; beef, 12 lb., 7||6; colyflour, 1s		17	3
	Butter, 6 lb., 7||6; 2 dye gro., 2s		9	6
“ 25–26.	Beef, 8 lb., 5 s., colyflower, 1s.; beef, 12 lb., 7||6; coffee, 3 lb., 4||6		18	0
“ 27–28.	“ 13½ lb., 8||5½; sk. pot., 19; egg, 8s; 12 lb. beef, 7||6	1	4	11½
“ 29–30.	“ 12 lb., 7||6; beef, 12 lb., 7||6		15	0
May 1–2.	“ 17 lb., 10||7½; coffee, 3 lb., 4||6; beef, 12 lb., 7||6.	1	2	7½
“ “	Butter, 6 lb., 7||6; hamp. of onions, 5s; egg, 2s; coal, 3s		17	6
“ 3–4.	Beef, 12 lb., 7||6; beef, 14½ lb., 9||1		16	7
“ 5–6.	“ 13 lb., 8||1½; beef, 12 lb., 7||6; egg, 1||6		17	1½
“ 7–8.	“ 12 lb., 7||6; 2 dz. egg., 2s; butter, 6 lb., 7||6; beef, 14 lb., 8||9	1	5	9
	Coffee, 3 lb., 4||6; sk. potatoes, 19s.; sugar, 6 lb., 3s	1	6	6
“ 9–10.	Beef, 13 lb., 8||1½; beef, 12 lb., 7||6; egg 1s.; pea meal, 1s		17	7½
“ 11–12.	“ 12½ lb., 7||10; tea, 2s., 9s.; beef, 12 lb., 7||6; egg, 2s.	1	6	4
“ 13–14.	“ 14 lb., 8||9; salt, 6s.; beef, 20 lb., 12||6	1	7	3
	Vegetables, while in dock, 39s	1	19	0
	Bread, 43s	2	3	0

132

Sea stock.

7 tierces prime India mess beef, at 97||6	33	19	6
6 barrel of prime mess pork, 77||6	23	5	0
219 lb. of	8	13	1½
224 lb. codfish, 26s.; 6 jar of tripe, 8||6—51	5	3	0
2 kits of salt mackerel, 27s.; bacon, 78 lb., 61||9	4	8	9
12 hams, 181 lb., butter	12	6	4½
44 bushels of potatoes, 6||6, 286s.; cartage, 10||6	14	16	6
10 hamper of onions, 50s.; 20s	3	10	0
Carrots, 15s.; turnips, 15s.; 100 eggs, ||4	3	4	0
10s.; colyflower, 6s.;—2 pigs, 60s	3	16	0
3 tons of coal	3	15	
cabbage, 10||6	2	0	6
2 barrel of oatmeal, 30s., 60s.; pea meal, 5s	3	5	0
500 lb. of corned beef, 312||6; cask, 17||6	16	0	0
beef, 176 lb.	5	6	3
	178	0	10

A true copy, so far as legible. Attest:

S. E. SPRAGUE,
Clerk District Court.

36

[Z.]

"Lilla."

Ar. D.—P. C.

Found on board by the keeper, Ladd, and referred to in his deposition.

True copies of the exhibits filed in the above-entitled cause of prize.

[SEAL.] Attest, with seal of office:

H. W. FULLER, *Clerk.*

Filed 28 January, 1864.